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| Page 01 | Attachment 2 - List of Office Actions |
| Pages 02 – 15 | 7/11/2007 Office Action for 10/237,021 |
| Pages 16 - 32 | 2/06/2008 Office Action for 10/237,021 |
| Pages 33 – 40 | 12/20/2004 Office Action for 10/282,113 |
| Pages 41 – 44 | 10/20/2005 Office Action for 10/282,113 |
| Pages 45 – 52 | 02/24/2006 Office Action for 10/282,113 |
| Pages 53 – 59 | 05/26/2006 Office Action for 10/282,113 |
| Pages 60 - 69 | 03/27/2008 Office Action for 10/287,586 |
| Pages 70 - 75 | 08/08/2003 Office Action for 10/012,374 |
| Pages 76 - 81 | 01/21/2004 Office Action for 10/012,374 |
| Pages 82 - 89 | 05/24/2004 Office Action for 10/012,374 |
| Pages 90 - 95 | 08/23/2004 Office Action for 10/012,374 |
| Pages 96 – 101 | 07/06/2005 Office Action for 10/012,374 |
| Pages 102 – 109 | 05/22/2006 Office Action for 10/012,374 |
| Pages 110 – 116 | 04/09/2007 Office Action for 10/046,094 |
| Pages 117 – 125 | 12/04/2007 Office Action for 10/046,094 |
| Pages 126 – 136 | 08/11/2004 Office Action for 10/329,172 |
| Pages 137 – 155 | 06/08/2005 Office Action for 10/329,172 |
| Pages 156 – 178 | 12/02/2005 Office Action for 10/329,172 |
| Pages 179 – 202 | 07/24/2006 Office Action for 10/329,172 |
| Pages 203 – 206 | 12/16/2003 Office Action for 10/441,385 |
| Pages 207 – 220 | 11/02/2005 Office Action for 10/441,385 |
| Pages 221 – 243 | 06/02/2006 Office Action for 10/441,385 |
| Pages 244 – 274 | 11/03/2006 Office Action for 10/441,385 |
| Pages 275 – 303 | 02/27/2007 Office Action for 10/441,385 |
| Pages 304 – 335 | 08/10/2007 Office Action for 10/441,385 |



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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/237,021

09/09/2002

Jeff Scott Eder

4883

53787 7590 07/11/2007
ASSET TRUST, INC.
2020 MALTBY ROAD
SUITE 7362
BOTHELL, WA 98021

EXAMINER

PATS, JUSTIN

ART UNIT

PAPER NUMBER

3623

MAIL DATE

DELIVERY MODE

07/11/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/237,021

Applicant(s)

EDER, JEFF SCOTT

Examiner

Justin M. Pats

Art Unit

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 59-98 is/are pending in the application.
- 4a) Of the above claim(s) 59-82 and 87-98 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 83-86 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 September 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Notice to Applicant

1. The following is a non-final office action. In response to the Election/Restrictions requirement of 2/22/07, Applicant has elected claims 83–86 for examination. Claims 59–82, 87–98 are withdrawn at this time. Claims 1–58 have been cancelled. Claims 83–84, 86 have been amended. Amendments to the specification and claims dated 8/21/03, and 8/8/04 have been entered. Further amendments to the claims on 11/3/04 have also been entered. Claims 83–86 are pending in this application and have been rejected below.

Election/Restrictions

2. Claims 59–82, 87–98 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to nonelected subject matter, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 4/25/07.

3. As per Applicant's statement that the elected claims belong in class 717, 718, or 719, instead of class 705, on 5/1/07, Examiner consulted Supervisory Patent Examiner Meng An, whose art unit 2193 examines cases in the above purported classes. After reviewing the claims and the remainder of the disclosure, Examiner An determined that the case was correctly classified in 705 and did not belong in 717, 718, or 719. Therefore, no classification transfer has been made.

Claim Objections

4. Claim 83 is objected to because of the following informalities: in the preamble, the phrase “managing a applications” should read “managing applications”. Appropriate correction is required.
5. Claim 84 is objected to because of the following informalities: the term “measures“ should read “measure”.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claim 83 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. Regarding claim 83, the phrase “enables” is used. Applicant(s) are reminded that optional or conditional elements do not narrow the claims because they can always be omitted. *See e.g.* MPEP § 2106 II C: “Language that suggest or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation. [Emphasis in original.]”; and *In re Johnston*, 435 F.3d 1381, 77 USPQ2d 1788, 1790 (Fed. Cir. 2006) (“As a matter of linguistic precision, optional elements do not narrow the claim because they can always be omitted.”). *See also* MPEP § 2111.04. For the purposes of examination, the examiner requests applicant to amend the claim to positively recite that the system actually performs the purported limitations.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 83–85 are rejected under 35 U.S.C. 102(b) as being anticipated by Noack and Schienmann, *Introducing OO Development in a Large Banking Organization, From the Trenches*, May/June 1999, pg. 71–81 [hereinafter Noack]. (*see* attached PTO-892, reference U)

11. As per claim 83, Noack teaches an architecture for use in designing, deploying, and managing applications on a distributed computing system, the architecture comprising; a plurality of layers where at least one layer is an application layer where the software architecture that enables the management and optimization of any subset of any organization with a single set of common applications when said organization has its performance evaluated on the basis of one or more quantitative measures (Fig. 2, illustrating the standard architectural layers, including an application layer; Fig. 3, laying out the types of applications; pg. 75, “The description pattern for the activities consists of input, task, measurement, output, and pre and postcondition elements, the latter two being used to link the activities. An activity must not start until all its preconditions are fulfilled, and must not end before the fulfillment of all its postconditions. In all

Art Unit: 3623

the model describes about 200 activities, assigned to five views: development (the main view), reuse, security, quality assurance, and project management. All correlate with predefined skills to be fulfilled by team members in the course of the project.”), and where the common applications are selected from the group consisting of analysis, forecast, optimization, planning, project management, review, transaction and combinations thereof (Fig. 3, illustrating at least project management as a viable application).

12. As per claim 84, Noack teaches the architecture of claim 83 as described above. Noack further teaches where a quantitative measure is selected from the group consisting of alliance risk, brand risk, channel risk, content risk, contingent liabilities, customer risk, customer relationship risk, current operation risk, derivative risk, employee risk, employee relationship risk, energy risk, enterprise risk, external factor risk, event risk, fraud risk, information technology risk, total return, intellectual property risk, investment risk, knowledge risk, market sentiment risk, market risk, market volatility, organization risk, partnership risk, process risk, production equipment risk, product risk, real option risk, technology risk, vendor risk, vendor relationship risk, weather risk, revenue, expense, capital change, alliance return, brand return, channel return, content return, customer return, customer relationship return, current operation return, derivative return, employee return, employee relationship return, enterprise return, external factor return, event return, information technology return, intellectual property return, investment return, knowledge return, market sentiment return, market return, market volatility, organization return, partnership return, process return, production equipment return, product return, real option return, shareholder return, technology return, vendor return, vendor

Art Unit: 3623

relationship return, alliance value, brand value, channel value, content value, contingent liabilities, customer value, customer relationship value, current operation value, derivative value, employee value, employee relationship value, enterprise value, external factor value, event value, information technology value, intellectual property value, investment value, knowledge value, market sentiment value, market value, market volatility, organization value, partnership value, process value, production equipment value, product value, real option value, technology value, vendor value, vendor relationship value and combinations thereof (pg. 76, “We applied the AD-Model in a typical OO project at one of our development centers, a risk management project at a major state bank. The customer, the bank’s credit department, wanted to evaluate its new calculation approach for risk premiums.” Examiner further notes that types of quantitative measures constitute nonfunctional descriptive material and should not be given patentable weight. The above types of quantitative measures amount to mere labeling of data and do not functionally alter the claimed software architecture. See MPEP 2106.01 [R-5]. Nonfunctional descriptive material cannot lend patentability to an invention that would otherwise have been anticipated by the prior art. When descriptive material is not functionally related to the substrate, the descriptive material will not distinguish the invention from the prior art in terms of patentability (*see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994)).).

13. As per claim 85, Noack teaches the software architecture of claim 83 as described above. Noack further teaches where a subset of the organization is defined by attributes selected from the group consisting of context layers, organization levels, organizations and combinations

Art Unit: 3623

thereof (Table 2, setting forth the different levels or layers of an organization for a project, *see also* pg. 77, *Map team members to roles*).

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claim 86 is rejected under 35 U.S.C. 103(a) as being unpatentable over Noack in view of Pace et al., *Decision Support Infrastructure at the University of Kansas*, June 26, 2000 [hereinafter Pace]. (see attached PTO-892, reference V)

16. As per claim 86, Noack teaches software architecture of claim 83 as described above. Noack does not explicitly teach where a common application is selected from the group consisting of an application for analyzing the impact of user specified changes on a defined organization subset, an application for forecasting the value of a specified variable using context layer data for a specified defined organization subset, an application for simulating organization performance and identifying the optimal mode for operating a defined organization subset for one or more measures, an application for establishing expected levels and priorities for actions, events and measures for a defined organization subset, an application for developing action, element, impact, measure performance and risk reports in standard formats for a defined organization subset, an application that analyzes the impact of a project or a group of projects on a defined organization subset and determines the feature set that will optimize the impact of the project or group of projects on said defined organization subset and combinations thereof. Pace

Art Unit: 3623

teaches at least an application for establishing expected levels and priorities for actions, events and measures for a defined organization subset (Pace, pg. 17, discussion regarding User requirements analysis). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the architecture of Noack to include the teaching of Pace because user requirements analyst ensures “that the data warehouse is a success in the business sense, not just a technical success.” (Pace, pg. 17) This bolsters the chances of the business improving its operations because the architecture is employing settings and requirements that are tailored to the particular problems the business is facing.

Conclusion

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A. Fingar et al., *Enterprise E-Commerce: The Software Component Breakthrough for Competitive Advantage*, Meghan-Kiffer Press, 1st Ed., Jan 2000, 32 pp. [hereinafter Fingar]. (see attached PTO-892, reference W)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin M. Pats whose telephone number is 571-270-1363. The examiner can normally be reached on Monday through Friday, 8:00am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 571-272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Justin M. Pats/


C. MICHELLE TARAE
PRIMARY EXAMINER

| | | | |
|-----------------------------------|---------------------------------------|--|-------------|
| Notice of References Cited | Application/Control No. 10/237,021 | Applicant(s)/Patent Under Reexamination EDER, JEFF SCOTT | |
| | Examiner Justin M. Pats | Art Unit 3623 | Page 1 of 1 |

U.S. PATENT DOCUMENTS

| * | | Document Number Country Code-Number-Kind Code | Date MM-YYYY | Name | Classification |
|---|---|--|-----------------|------|----------------|
| | A | US- | | | |
| | B | US- | | | |
| | C | US- | | | |
| | D | US- | | | |
| | E | US- | | | |
| | F | US- | | | |
| | G | US- | | | |
| | H | US- | | | |
| | I | US- | | | |
| | J | US- | | | |
| | K | US- | | | |
| | L | US- | | | |
| | M | US- | | | |

FOREIGN PATENT DOCUMENTS

| * | | Document Number Country Code-Number-Kind Code | Date MM-YYYY | Country | Name | Classification |
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NON-PATENT DOCUMENTS

| * | | Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages) |
|---|---|---|
| | U | Noack and Schienmann, Introducing OO Development in a Large Banking Organization, From the Trenches, May/June 1999, pg. 71-81 |
| | V | Pace et al., Decision Support Infrastructure at the University of Kansas, June 26, 2000 |
| | W | Fingar et al., Enterprise E-Commerce: The Software Component Breakthrough for Competitive Advantage, Meghan-Kiffer Press, 1st Ed., Jan 2000, 32 pp. |
| | X | |

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.



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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/237,021

09/09/2002

Jeff Scott Eder

4883

53787 7590 02/06/2008
ASSET TRUST, INC.
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EXAMINER

PATS, JUSTIN

ART UNIT

PAPER NUMBER

3623

MAIL DATE

DELIVERY MODE

02/06/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|---|--|
| Office Action Summary | Application No. 10/237,021 | Applicant(s) EDER, JEFF SCOTT | |
| | Examiner JUSTIN M. PATS | Art Unit 3623 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 59-112 is/are pending in the application.
- 4a) Of the above claim(s) 59-82 and 87-98 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 83-86 and 99-112 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9-30-07, 11-21-07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Notice to Applicant

1. The following is a non-final office action. In response to Examiner's communication of 7/11/07, Applicant, on 9/30/07, amended claims 83–84, and 86, and added claims 99–112. On 10/08/07, Applicant submitted a supplemental amendment, amending claims 103 and 105. Finally, on 11/18/07, Applicant submitted a further supplemental amendment, amending claims 103, 105, and 106–108, 111–112. Claims 83–86, 99–112 are pending in this application. Claims 103–112 have been restricted. Claims 83–86, 99–103 have been elected by original presentation and rejected below. Information Disclosure Sheets dated 9/30/07 and 11/21/07 have been considered by the Examiner. Finally, as per Applicant's request, evidence of a citation date for the Fingar reference (*see* PTO-892, 7/11/07, reference W) has been provided herein (*see* attached PTO-892, page 1, reference U).

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 83–86, 99–104, and 109–110 and their dependencies, are rejected under 35

U.S.C. 101 because they are directed to non-statutory subject matter.

4. The aforementioned claims recite layers of software, which amounts to mere data structures. Data structures not claimed as embodied in computer-readable media are descriptive material per se and are not statutory because they are not capable of causing functional change in the computer. See, e.g., *Warmerdam*, 33 F.3d at 1361, 31 USPQ2d at 1760 (claim to a data structure per se held nonstatutory). Such claimed data structures do not define any structural and functional interrelationships between the data structure and other claimed aspects of the invention which permit the data structure's functionality to be realized. See MPEP 2106.01 (I). Here, Applicant has claimed a software architecture defined data synonymous with software or files, namely "modules" or "layers". The system has no physical components or structure and is thus considered non-statutory.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 83–86, 99–102 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. As per claim 83, Applicant’s purported limitation “wherein the complete context . . . comprises the context of claim 105” is unclear because Applicant has unorthodoxly referenced a later independent claim within an earlier independent claim. If Applicant wishes to include the limitations of claim 105 in claim 83, Examiner requests that Applicant positively recite said limitations in the claim at issue. Examiner interprets the *context* of claim 105 to be the same as that of the claim at issue, relating to a context-aware software architecture, thus failing to demonstrate any patentable distinction. This logic also applies to claim 99, where the phrase “wherein said complete context . . . comprises the context from claim 111” is similarly unclear for the reasons stated above.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 83–86, 99–112 are rejected under 35 U.S.C. 103(a) as being unpatentable over Couderc and Kermarrec, *Improving Level of Service for Mobile Users Using Context Awareness*, Proceedings of the 18th IEEE Symposium on Reliable Distributions Systems, Lausanne, Switzerland, Oct. 19-22, 1999 [hereinafter Couderc]. (*see* attached PTO-892, page 1, reference V)

10. As per claim 83 Couderc teaches an architecture for use in designing, deploying, and managing a plurality of applications on a distributed computing system for an organization, the architecture comprising: a plurality of layers where at least one layer is an application layer where a single set of common applications manage and optimize a performance of any subset of an organization for a complete context Fig. 5, Prototype architecture, showing Application layer, multiple layers, as well as agents, proxies, server and managers working to provide context awareness; *see also* pg. 5–6, 3.3 Adaptive Layer, discussing the Context Manager, Contextual Objects Manager, and Selection Manager), where said complete context for an organization subset comprises one or more quantitative measures for evaluating performance, and where the common applications incorporate an analysis of a network effect of a plurality of risks and

Art Unit: 3623

elements of value on one or more performance measures and are selected from the group consisting of analysis, forecast, optimization, planning, project management, review, transaction and combinations thereof (Couderc, pg. 6, Selection Manager; *see* Fig. 1, Contextual objects; Fig. 2, Two-dimensional contextual objects. Object identifiers such as the weather reflecting a location-sensitive object, or an image reflecting a network bandwidth-sensitive object, through changes in operation, or “variants” impact long term performance of the operation in numerous contexts as set forth in Figs. 1–2 of Couderc).

The difference between Couderc and the limitations of claim 83 is that in Couderc, the common applications do not explicitly reside on the application layer as claimed by Applicant. However, as evidenced by Couderc, the application layer and other software architectural layers, such as an adaptive one, comprising common applications such as context and selection managers, are old and well known in the art. Because each individual element and its function are shown in the prior art, the difference between the claimed subject matter and the prior art rest not on any individual element or function but in the very combination itself—that is in the explicit substitution of (1) the application layer for housing common applications for (2) the current configuration disclosed by Couderc. Thus, the simple substitution of one known element for another producing a predictable result renders the claim obvious.

Moreover, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Couderc because it’s old and well known in the art to configure layers as needed in a software application—the modularity provided by having different software layers makes them easier to program and more robust. Furthermore, it’s old and well known in the art

Art Unit: 3623

to make something integral that is separate (*In re Dulberg*, 289 F.2d 522, 523, 129 USPQ 348, 349 (CCPA 1961)).

11. As per claim 84, Couderc teaches where a quantitative measures is selected from the group consisting of alliance risk, brand risk, channel risk, content risk, contingent liabilities, customer risk, customer relationship risk, current operation risk, derivative risk, employee risk, employee relationship risk, energy risk, enterprise risk, external factor risk, event risk, fraud risk, information technology risk, total return, intellectual property risk, investment risk, knowledge risk, market sentiment risk, market risk, market volatility, organization risk, partnership risk, process risk, production equipment risk, product risk, real option risk, technology risk, vendor risk, vendor relationship risk, **weather risk**, revenue, expense, capital change, alliance return, brand return, channel return, content return, customer return, customer relationship return, current operation return, derivative return, employee return, employee relationship return, enterprise return, external factor return, event return, information technology return, intellectual property return, investment return, knowledge return, market sentiment return, market return, market volatility, organization return, partnership return, process return, production equipment return, product return, real option return, shareholder return, technology return, vendor return, vendor relationship return, alliance value, brand value, channel value, content value, contingent liabilities, customer value, customer relationship value, current operation value, derivative value, employee value, employee relationship value, enterprise value, external factor value, event value, information technology value, intellectual property value, investment value, knowledge value, market sentiment value, market value, market volatility, organization value, partnership value,

Art Unit: 3623

process value, production equipment value, product value, real option value, technology value, vendor value, vendor relationship value and combinations thereof (*see e.g.*, Couderc, pg. 3, Contextual Objects, discussing weather considerations and changes in value based on location; Fig. 1, (c) location-sensitive object, showing different weather forecasts; Fig. 2, showing bandwidth probabilities based on weather; *see also* Fig. 3; pg. 6, Selection Manager).

12. As per claim 85, Couderc teaches where a subset of the organization is defined by attributes selected from the group consisting of context layers, organization levels, organizations and combinations thereof (*see discussion supra ¶ claim 83*).

13. As per claim 86, Couderc teaches where a common application within a set of common applications is selected from the group consisting of **an application for analyzing the impact of user specified changes on a defined organization subset, an application for forecasting the value of a specified variable using context layer data for a specified defined organization subset**, an application for simulating organization performance and identifying the optimal mode for operating a defined organization subset for one or more measures, an application for establishing expected levels and priorities for actions, events and measures for a defined organization subset, an application for developing action, element, impact, measure performance and risk reports in standard formats for a defined organization subset, an application that analyzes the impact of a project or a group of projects on a defined organization subset and determines the feature set that will optimize the impact of the project or group of projects on said defined organization subset and combinations thereof (emphasis added) (Couderc, Fig. 2, Two-

Art Unit: 3623

dimensional contextual object, showing weather forecasts in France versus the UK stemming from a change in location in a location-sensitive object).

14. Claims 99–102 recite limitations that stand rejected via the art citations and rationale applied to claims 83–86 respectively as discussed above.

15. As per claim 103, Couderc teaches an architecture for context aware computing, the architecture comprising:

a data access layer operable to exchange data with a plurality of systems and to present the data to a context modeling layer through a uniform interface (Couderc, pg. 4–5, 3.1 Architecture Overview; Fig. 4, Detection /Notification Layer; *see also id.*, Information server, information from external sources, information on detected changes); a context modeling layer operable to develop a context from the data obtained from the data object access layer and to present the context to a frame layer through a uniform interface (Couderc, Fig. 4, Adaptive layer); frames operable to obtain a perspective from a user interface and to develop a context frame which provides a context for the perspective to an application in a uniform format (Courdec, Figure 3, User framework; Fig. 2, illustrating browsers with and without frames), and an application layer using said context frame to complete one or more useful context-aware functions (pg. 5, Fig. 4, Application; pg. 9, Fig. 5, Prototype Architecture, Application Layer).

The differences between Couderc and the limitations of claim 103 are that (1) in Couderc, the common applications do not explicitly reside on the application layer as claimed by

Art Unit: 3623

Applicant and (2) Couderc's disclosed frame functionality is not explicitly embodied within a layer.

First, as evidenced by Couderc, the application layer and other software architectural layers, such as an adaptive one, comprising common applications such as context and selection managers, are old and well known in the art. Because each individual element and its function are shown in the prior art, the difference between the claimed subject matter and the prior art rest not on any individual element or function but in the very combination itself—that is in the explicit substitution of (1) the application layer for housing common applications for (2) the current configuration disclosed by Couderc. Thus, the simple substitution of one known element for another producing a predictable result renders the claim obvious.

Moreover, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Couderc because it's old and well known in the art to configure layers as needed in a software application—the modularity provided by having different software layers makes them easier to program and more robust. Furthermore, it's old and well known in the art to make something integral that is separate (*In re Dulberg*, 289 F.2d 522, 523, 129 USPQ 348, 349 (CCPA 1961)).

Second, Couderc teaches the known technique of software architecture layering as described above. This known technique is applicable to the frame functionality of Couderc as both of these concepts are contained in the same reference sharing characteristics and capabilities, namely being directed to computing using context-aware software architectures. One of ordinary skill in the art would have recognized that applying a known technique of layering would have yielded predictable results and resulted in an improved system. It would

Art Unit: 3623

have been recognized that applying the technique of layering to the frame functionality of Couderc would have yielded predictable results because the level of ordinary skill in the art demonstrated by the reference applied shows the ability to incorporate such data processing features into similar systems. Further, applying layered approach to the frame functionality of Couderec would have been recognized by those of ordinary skill in the art as resulting in an improved system that would allow more uniform collection, analysis, and delivery of data to the user.

16. Claim 104 recite limitations that stand rejected via the art citations and rationale applied to claim 83 as discussed above.

17. As per claim 105, the following limitations: [a program storage device readable by a computer, tangibly embodying a program of instructions executable by at least one computer to complete processing in accordance with an architecture for context aware computing, comprising: a data access layer operable to exchange data with a plurality of systems and to present the data to a context modeling layer through a uniform interface; a context modeling layer operable to develop a context from the data obtained from the data access layer and to present the context to a frame layer through a uniform interface; a frame layer operable to obtain a perspective from a user interface and to develop a context frame which provides a context for the perspective to a plurality of applications in a uniform format, and an application layer that contains one or more applications that use said context frame to complete one or more useful context-aware functions] stand rejected via the art citations and rationale applied to claim 103 as

Art Unit: 3623

discussed above. The remaining limitations [where a context further comprises a complete context that contains information that defines an impact of changes in operation on a long term performance measure, information that defines a social environment context and information selected from the group consisting of information that defines a tactical context, information that defines a physical context information that defines a measure context and combinations thereof] stand rejected via the art citations and rationale applied to claim 83 as discussed above.

18. Claim 106 recite limitations that stand rejected via the art citations and rationale applied to claim 83 as discussed above.

19. As per claim 107, Couderc teaches wherein a plurality of systems are selected from the group consisting of accounting systems, alliance management systems, asset management systems, brand management systems, budgeting/financial planning systems, business intelligence systems, call management systems, cash management systems, channel management systems, commodity risk management systems, content management systems, contract management systems, credit-risk management system, customer relationship management systems, data integration systems, demand chain systems, decision support systems, document management systems, email management systems, employee relationship management systems, energy risk management systems, executive dashboard systems, expense report processing systems, fleet management systems, fraud management systems, freight management systems, human capital management systems, human resource management systems, incentive management systems, innovation management systems, insurance management systems, intellectual property

Art Unit: 3623

management systems, intelligent storage systems, interest rate risk management systems, investor relationship management systems, knowledge management systems, learning management systems, **location management systems**, maintenance management systems, material requirement planning systems, metrics creation system, online analytical processing systems, ontology management systems, partner relationship management systems, payroll systems, performance management systems, price optimization systems, private exchanges, process management systems, product life-cycle management systems, project management systems, project portfolio management systems, revenue management systems, risk management information system, risk simulation systems, sales force automation systems, scorecard systems, sensor grid systems, service management systems, six-sigma quality management systems, strategic planning systems, supply chain systems, supplier relationship management systems, support chain systems, taxonomy development systems, technology chain systems, unstructured data management systems, visitor (web site) relationship management systems, **weather risk management systems**, workforce management systems, yield management systems and combinations thereof (emphasis added) (*see at least Couderc, pg. 3, Contextual Objects, discussing the ability of the contextual object 'weather' to change based on time and location.*"

20. As per claim 108, Couderc teaches wherein the program comprises a plurality of intelligent agents (Couderc, Fig. 5, Prototype architecture, Mobile-IP MH agent, Mobil-IP FA Agent).

Art Unit: 3623

21. Claims 109–112 recite limitations that stand rejected via the art citations and rationale applied to claims 105, 83, 105, and 83 respectively as discussed above.

Conclusion

22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure

A. Brown et al., *Context-Aware Applications: From the Laboratory to the Marketplace*, IEEE Personal Communications, Oct. 1997. (see attached PTO-892, page 1, reference W)

B. Buchholz, *Context-Aware Services for UMTS-Networks*, Summer School on Ubiquitous and Pervasive Computing, Dagstuhl, Aug. 7–14, 2002, <http://www.vs.inf.ethz.ch/events/dag2002/program/ws/Buchholz.pdf>. (see attached PTO-892, page 1, reference X)

C. DeVaul and Pentland, *The Ektara Architecture: The Right Framework for Context-Aware Wearable and Ubiquitous Computing Applications*, 2000, available through webarchive.org, 11/08/2001, <http://web.archive.org/web/20011108024148/http://acg.media.mit.edu/people/rich/DPiswc00.pdf>. (see attached PTO-892, page 2, reference U)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JUSTIN M. PATS whose telephone number is (571)270-1363. The examiner can normally be reached on Monday through Friday, 8:00am - 5:00pm.

Art Unit: 3623

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 571-272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Justin M. Pats/
Examiner, Art Unit 3623

/Jonathan G. Sterrett/
Primary Examiner, Art Unit 3623



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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/282,113 | 10/29/2002 | Jeff Scott Eder | | 6906 |

29051 7590 12/20/2004

JEFF EDER
19108 30TH DRIVE SE
MILL CREEK, WA 98012

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| EXAMINER |
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POINVIL, FRANTZY

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| ART UNIT | PAPER NUMBER |
|----------|--------------|

3628

DATE MAILED: 12/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/282,113

Applicant(s)

EDER, JEFF SCOTT

Examiner

Frantzy Poinvil

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 October 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claims 1-35 and 46 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claim 1, line 2, "the components" lack clear antecedent basis. On line 5, "the business" lacks clear antecedent basis.

As per claim 16, line 3, "the initial weighting factor" lacks clear antecedent basis.

As per claim 18, line 4, "the components" lacks clear antecedent basis.

As per claim 19, line 6, "the relative value contribution" lacks clear antecedent basis.

As per claim 34, line 2, "the processors" lacks clear antecedent basis.

As per claim 35, line 5, "the components" lacks clear antecedent basis.

As per claim 46, line 4, "the initial impact" lacks clear antecedent basis. Also on line 8, "the impacts" lacks clear antecedent basis.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-5, 7, 9-11, 13-15, 18, 20-22, 24, 26-28, 30-32, 35-39, 41, 43-45 and 49-50 are rejected under 35 U.S.C. 102(b) as being anticipated by Lyons et al. (US Patent No. 4,989,141).

As per claims 1, 3-5, 7, 9-11, 13-15, 18, 20-22, 24, 26-28, 30-32, 35-39, 41, 43-45, and 49-50, when evaluating the value of a business enterprise, data related to the value of the business enterprise, wherein the business enterprises having elements of value contributing to the value of the business enterprise must be analyzed. A business enterprise usually possesses tangible assets (such as employees, goods and real estate properties) and intangible assets (such as stocks and other securities). Other elements affecting a business enterprise are debts, liabilities and operating expenses, related business partners, vendors, customers and resources such as production equipment. These elements of value must be analyzed in order to generate a report reflecting the strength and growth of the related business enterprise. Applicant is directed to the teachings provided by Lyons et al. Current operation revenues, current operation expenses and current operation changes in capital must be obtained, collected and analyzed. A business enterprise usually contains securities, salesmen, machines and other resources in which expenses are made and which also generate revenue for the enterprise. These different groups of resources usually have more than one element of value. Applicant is directed to columns, 21-22, 27-20 and 33-34 of Lyons et al. Calculating and storing item performance indicators, for each element of the enterprise are also analyzed. A sequential series of time is also used. Lyons et al. disclose a computerized system for evaluating elements in a business enterprise.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 6, 8, 12, 16-17, 19, 23, 25, 29, 33, 40, 42, 46-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lyons et al. (US Patent No. 4,989,141).

As per claims 2 and 19, Lyons et al do not explicitly state deriving one or more element of value weighting factors by enterprise and weighting the data concerning the one or more elements of value according to the element of value weighting factors for each enterprise, where the relative value contribution is the sum of the weighted element of value data for all enterprises within the business. Lyons et al state that the valuation is for a corporate business. See the abstract. A corporate business may consist of more than one enterprise or associated enterprise or department. See column 2, lines 39-41 and column 7, lines 7-11 of Lyons et al. The steps of weighting would have been obvious to one of ordinary skill in the art to do in the system of Lyons et al in order to determine the impact of one or more factors or department affecting the enterprise.

As per claims 6, 12, 23, 29, 40 and 46 Lyons et al do not explicitly teach the elements of value contain items that are optionally clustered into sub-elements of value for more detailed analysis. The Examiner notes that in a business enterprise, there exists, like resources and/or assets or expenses and an enterprise may have a plurality of associated business. See column 7, lines 6-11 of Lyons et al. Clustering the elements into sub-elements would have been obvious to

one of ordinary skill in the art to do in the system of Lyons et al in order to obtain a more accurate detail on the totals of different categories of the different element of values in the business enterprise.

As per claims 16, 17, 33, 47 and 48 Lyons et al do not explicitly teach determining the initial weighting factor using a predictive neural net model or using a genetic algorithm. However, Lyons et al. disclose forecasting and budgeting. See column 4, lines 27-32 of Lyons et al. Using a neural network as a predicting modeling or forecasting tool and/or a genetic algorithm is well known in the art. It would have been obvious to one of ordinary skill in the art at the time of the invention to also use a neural network in the system of Lyons et al in order to provide a more accurate forecasting of budgets and expenses in obtaining the value of the business enterprise.

As per claims 8, 25 and 42, many different types of items and communications are accessed via the Internet. Obtaining related information from the Internet is not explicitly stated in Lyons et al. Lyons et al disclose obtaining information from outside database packages or softwares. See column 21, lines 53-55 and column 22, lines 26-30. Using the Internet to also obtain information would have been obvious to one of ordinary skill in the art to do in the system of Lyons et al in order to obtain instant accurate information relating the type of business enterprise so as to generate a more accurate report.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-17 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The basis of this rejection is set forth in a two prong test of:

- (1) whether the invention is within the technological arts; and
- (2) whether the invention produces a useful, concrete and tangible result.

For a claimed invention to be statutory, the claimed invention must be within the technological arts. Mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, use or advance the technological arts fail to promote the “progress of science and the useful arts” (i.e., the physical sciences as opposed to social sciences, for example) are found to be non-statutory subject matter. For a process claim to pass muster, the recited process must somehow apply, involve, use, or advance the technological arts.

No physical transformation is performed, no practical application in the technological art is found. The claims appear to recite mathematical algorithms divorced from a practical application in the technological arts. The claims merely perform mathematical calculations in an expected manner as the machine is designed to do for any type of algorithm calculations, and present data results, add nothing more structurally or functionally than material falling under the non-statutory abstract idea concepts.


Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil whose telephone number is (703) 305-9779. The examiner can normally be reached on Monday-Thursday 7:00AM-5:30PM.

The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

FP
December 10, 2004


FRANTZY POINVIL
PRIMARY EXAMINER
Au 3628



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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/282,113 | 10/29/2002 | Jeff Scott Eder | | 6906 |

53787 7590 10/20/2005

ASSET TRUST, INC.
2020 MALTBY ROAD
SUITE 7362
BOTHELL, WA 98021

EXAMINER

POINVIL, FRANTZY

ART UNIT PAPER NUMBER

3628

DATE MAILED: 10/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-------------------------------|----------------------------------|--|
| Office Action Summary | Application No. 10/282,113 | Applicant(s) EDER, JEFF SCOTT | |
| | Examiner Frantzy Poinvil | Art Unit 3628 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 August 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 51-90 is/are pending in the application.
- 4a) Of the above claim(s) 58-90 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 51-57 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

ML

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 51-57 are rejected under 35 U.S.C. 102(e) as being anticipated by Burks et al (US Patent No. 6,453,297).

Burks et al disclose a system and method for receiving or retrieving medical data from one or more medical providers wherein each of the medical data having has different or incompatible formats using one or more computer networks. See the abstract and column 5, lines 25-58. Burks et al further state:

“The healthcare provider stations do not provide the claim information to the medical transaction system 10 in the same data message format nor do all of the healthcare provider stations communicate with the medical transaction system in the same communication protocol...in response to receipt of a medical claim from a healthcare provider station, medical transaction system 10 reorganizes the information from the received medical claim into a generic medical claim record format”. Applicant is referred to column 5, lines 25-58 and column 6, lines 9-33 of Burks et al. The

Art Unit: 3628

Examiner asserts that these medical data includes elements of value, components of value, currencies, units of measure, time periods, dates and combination thereof. The medical healthcare providers are computer systems comprising a plurality of relational databases storing patients' relating medical information.

Conclusion

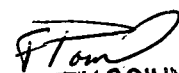
2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil whose telephone number is (571) 272-6797. The examiner can normally be reached on Monday-Thursday 7:00AM-5:30PM.

The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9326 for Before Final actions and (703) (872-9327).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

FP

October 12, 2005


FRANTZY POINVIL
PRIMARY EXAMINER
Au 3628



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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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|-----------------|-------------|----------------------|---------------------|------------------|

10/282,113

10/29/2002

Jeff Scott Eder

6906

53787

7590

02/24/2006

ASSET TRUST, INC.
2020 MALTBY ROAD
SUITE 7362
BOTHELL, WA 98021

EXAMINER

POINVIL, FRANTZY

ART UNIT

PAPER NUMBER

3628

DATE MAILED: 02/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-------------------------------|----------------------------------|--|
| Office Action Summary | Application No. 10/282,113 | Applicant(s) EDER, JEFF SCOTT | |
| | Examiner Frantzy Poinvil | Art Unit 3628 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 51-108 is/are pending in the application.
- 4a) Of the above claim(s) 58-90 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 51-57 and 91-108 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2/3/05 2/17/05</u> . | 6) <input checked="" type="checkbox"/> Other: <u>IDS of 10/10/05 & 11/11/05</u> . |

DETAILED ACTION

1. The applicant's communication filed 12/6/2005 has been received and acknowledged.
2. Applicant's arguments filed 11/11/2005 have been fully considered but they are not persuasive.
3. The Examiner's response to the applicant's arguments is incorporated in the Office action.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 51-57 and 91-108 are rejected under 35 U.S.C. 102(e) as being anticipated by Burks et al. (US Patent No. 6,453,297).

Applicant argues that Burks et al fail to teach or suggest the claimed limitations.

In response, Burks et al disclose medical transaction system and method for integrating medical claim data from a plurality of data sources into a single format.

Thus, Burks et al. disclose an enterprise data integration method and system comprising a computer with a processor having circuitry to execute instructions; a storage device available to the processor with sequences of instructions stored therein and an interface coupled to the plurality of data source each of which has a data dictionary, and an application software segment to be executed by the processor. See figures 6,7 and 12-14 of Burks et al.

As per claims 51, 96-98, 102-103, the claimed computer with a backend interface is inherent in the system of Burks. A computer with a back-end interface is "a slave processor that performs a specialized task such as providing rapid access to a database, freeing the main processor for other work. Such a task is considered "back-end" because it is subordinated to the computer's main function". The system of Burks et al. comprises a computer system connected within a network for receiving medical information (from various sources or trading partners such as healthcare providers, payors, insurance carriers). Each of these sources having different medical formats. The computer system of Burks receive the medical information and formats the received medical information in a common format by extracting specific datafields therein. See column 3, lines 9-45; column 4, lines 21-25. The computer system of Burks et al. performs several functions and include at least two computers for performing all these tasks. Having a computer with a back-end interface is inherent in the system of Burks since a plurality of tasks including transmitting/receiving information, extracting, formatting, storing, and billing data. See figures 1-8 of Burks. The backend computer inherently process one or more of these special tasks and transfers the results to

another computer so as to have different computer performing a distinct task thereby providing a faster system and at the same time freeing computer resources of one or more computers. The claimed common schema is interpreted as the claimed common data formats of Burks et al.

As per claims 52, 93, 104, the claimed network connection is also inherent in the system of Burks since there exists a plurality of communication protocols from different sources. See figures 6 and 12 of Burks. The definition of communications protocol is a "set rules or standards designed to enable computers to connect with one another and to exchange information with as little error as possible...". See Microsoft Computer Dictionary Fifth edition.

As per claims 53, 99 the claimed common schema further comprises a network schema is similar to the common data format of Burks et al.

As per claims 54-55, 95, 100, 107 and 108, the common schema containing a common data dictionary is similar to the generic record formats containing some data fields that are all common to all of the data message formats received by the system. See column 12, lines 3-10 and column 6, lines 9-32 of Burks et al.

As per claims 56, 92, 101, 105 the plurality of sources further comprise databases for systems selected from the group consisting of a basic financial system, a human resource system, an advanced financial system, a sales system, an operations system, an accounts receivable system, an accounts payable system, a capital asset system, an inventory system, an invoicing system, a payroll system, a purchasing system, an Internet and combinations thereof. See the disclosure of Burks et al.

As per claims 57, 94, each of the plurality or sources such as the insurance carriers, healthcare providers and financial institution computes (column 3, lines 32-35) includes one or more relational databases. See column 6, lines 29-34 of Burks et al..

Claim 91 recites similar limitations contained in claims 51, 53 and 54, and claim 91 is therefore rejected under a similar rationale.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil whose telephone number is (571) 272-6797. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sam Sough can be reached on (571) 272-6799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Frantzy Poinvil
Primary Examiner
Art Unit 3628

FP
January 22, 2006

| | | | |
|------------------------------|-------------------------------|----------------------------------|--|
| Office Action Summary | Application No. 10/282,113 | Applicant(s) EDER, JEFF SCOTT | |
| | Examiner Frantzy Poinvil | Art Unit 3628 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 March 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 51-57 and 91-108 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 51-57 and 91-108 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

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|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>3/7/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The request for a continued prosecution application (CPA) under 37 CFR 1.53(d) filed on 3/6/2006 is acknowledged. 37 CFR 1.53(d)(1) was amended to provide that the CPA must be for a design patent and the prior application of the CPA must be a design application that is complete as defined by 37 CFR 1.51(b). See *Elimination of Continued Prosecution Application Practice as to Utility and Plant Patent Applications*, final rule, 68 Fed. Reg. 32376 (May 30, 2003), 1271 Off. Gaz. Pat. Office 143 (June 24, 2003). Since a CPA of this application is not permitted under 37 CFR 1.53(d)(1), the improper request for a CPA is being treated as a request for continued examination of this application under 37 CFR 1.114.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 51-57 and 91-108 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lyons et al (US Patent No. 4,989,141) considered with Everest, "DATABASE MANAGEMENT, Objectives, System Functions, and Administration, McGraw-Hill Book Company, 1986, ISBN 0-07-019781-04.

As per claims 51-54, 91, 93, 96, 97, 98, 99, 102, 104 and 106, Lyons et al disclose an enterprise data integration system comprising a computer system coupled to a plurality of data sources and an application software segment configured to convert data source information to a common schema and store the converted data in an application database. See the abstract and columns 5-11 of Lyons et al. Lyons et al do not explicitly mention the computer being a back-end interface coupled to the plurality of data sources.

Everest teaches techniques in database management systems. In so doing, Everest teaches a database system comprising a computer with a back-end interface coupled to a plurality of data sources and an application software segment configured to convert data source information to a common schema and store converted data in an application database for use in processing wherein a plurality of data sources use different data formats. Applicant is directed to pages 739, 743-744, 747 and 750-756 of Everest.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Everest into the system of Lyons et al in order to provide a back-end system. The motivation would have been to provide a better integrity control and function of the database management system (see page 751 of Everest).

As per claims 55-56, 92, 95, 100-101, 105 107 and 108, Lyons et al disclose a system and method for controlling, analyzing and reporting an enterprise's financial

assets. See the abstract. When evaluating the value of a business enterprise, data related to the value of the business enterprise, wherein the business enterprises having elements of value contributing to the value of the business enterprise must be analyzed. A business enterprise usually possesses tangible assets (such as employees, goods and real estate properties) and intangible assets (such as stocks and other securities). Other elements affecting a business enterprise are debts, liabilities and operating expenses, related business partners, vendors, customers and resources such as production equipment. These elements of values must be grouped and analyzed in order to generate a report reflecting the strength and growth of the related business enterprise.

Lyons et al teaches a common data dictionary defining common attributes selected from the group consisting of elements of value, components of value, currencies, units of measure, time period, dates and combinations thereof. See column 7, line 1 to column 9, line 17 and column 13, lines 62-65 of Lyons et al. Lyons et al further teach database systems such as an accounts receivable and an accounts payable system (column 9, lines 8-12 of Lyons et al.), an advanced financial system (column 10, lines 1-15); capital assets, invoicing, sales and operations systems and combinations thereof (columns 21-22 of Lyons et al). Everest states that various databases may be selected from a human resource system and a payroll system.

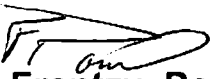
As per claims 57, 94 and 103 the plurality of sources further comprise a plurality of relational databases. See columns 21-22 of Lyons et al.

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil whose telephone number is (571) 272-6797. The examiner can normally be reached on Monday-Thursday from 7:00AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sam Sough can be reached on (571) 272-6799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Frantzy Poinvil
Primary Examiner
Art Unit 3628

FP
May 1, 2006

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| Substitute for form 1449/PTO | | Complete If Known | | |
| INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary) | | Application Number | 10/282,113 | |
| | | Filing Date | 10/29/2002 | |
| | | First Named Inventor | Jeff S. Eder | |
| | | Art Unit | 3628 | |
| | | Examiner Name | Frantzy Poinvil | |
| Sheet | | of | Attorney Docket Number | AR - 37 |

| NON PATENT LITERATURE DOCUMENTS | | | |
|---------------------------------|-----------------------|---|----------------|
| Examiner Initials* | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T ² |
| FP | | WIPFLER, ARLENE; "Distributed Processing in the CICS Environment"; 1989; Multiscience Press | |
| FP | | WEITZMAN, CAY; "Distributed Micro/Minicomputer Systems"; 1980; Prentice Hall | |
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| Examiner Signature | F. Poinvil | Date Considered | 4/14/06 |
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

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| Notice of References Cited | Application/Control No. 10/282,113 | Applicant(s)/Patent Under Reexamination EDER, JEFF SCOTT | |
| | Examiner Frantzy Poinvil | Art Unit 3628 | Page 1 of 1 |

U.S. PATENT DOCUMENTS

| * | | Document Number Country Code-Number-Kind Code | Date MM-YYYY | Name | Classification |
|---|---|--|-----------------|------|----------------|
| | A | US- | | | |
| | B | US- | | | |
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NON-PATENT DOCUMENTS

| * | | Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages) |
|---|---|---|
| | U | "DATABASE MANAGEMENT, Objectives, System Functions, and Administration, McGraw-Hill Book Company, 1986, ISBN 0-07-019781-04, pages 732-780. |
| | V | |
| | W | |
| | X | |

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.



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United States Patent and Trademark Office
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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/287,586 | 11/05/2002 | Jeff Scott Eder | | 6347 |

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ASSET TRUST, INC.
2020 MALTBY ROAD
SUITE 7362
BOTHELL, WA 98021

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| EXAMINER |
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RETTA, YEHDEGA

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3622

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| MAIL DATE | DELIVERY MODE |
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03/27/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/287,586 | EDER, JEFF SCOTT | |
| | Examiner | Art Unit | |
| | Yehdega Retta | 3622 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 145-148 and 207-227 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 145-148 and 207-227 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/21/08, 11/21/07, 9/16/07</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This communication is in response to amendment filed September 15, 2007. Applicant cancelled claims 1-44 and 149-206 and amended claims 145-148, 213, 219. Claims 145-148 and 207-227 are pending.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 226-227 are rejected under 35 U.S.C. 101 because the claimed invention lacks patentable utility. Claims 226-227 are directed to *business event network model* (software program) comprising of a *network model* (software program) that connects one or more element of value to a value of an aspect of current operation financial performance. Under the statute, the claimed invention must fall into one of four recognized statutory classes on invention, namely, a process (or method), a machine (or system); an article of manufacture; or a composition of matter. The invention seems to be directed toward an article of manufacture, however, signals, data structures or computer programs not embodied in computer-readable media executable by a computer are descriptive material per se and are not statutory because they are not capable of causing functional change in a computer. Data structure or signal not claimed as embodied in computer-readable media is descriptive material per se and is not statutory because they are neither physical nor statutory process. Such claimed signals do not define any structural and functional interrelationships between a computer code and other claimed elements of a computer, which permit the computer's program to be realized (see MPEP section 2106).

Claim 226 only recites a step of connecting element of value to a value of financial performance. However, for a claimed invention to be statutory the claimed invention must produce a useful, concrete and tangible result. Because the claimed invention is directed to a system which does not product a useful result and is not permitted under 35 USC 101, as being related to non-statutory subject matter.

However in order to examine the claimed invention in light of the prior art, further rejections will be made on the assumption that those claims are statutorily permitted.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 145-148 are rejected under 35 U.S.C. 102(b) as being anticipated by “How to sort out the premium drivers of post-deal value” Bielinski, Daniel W. Mergers and Acquisitions: Jul/Aug 1993, Vol. 28, Iss.1; pg. 33, 5 pgs (hereinafter Bielinski).

Regarding claims 145-148, Bielinski teaches valuation tool for preparing and integrating a plurality of historical and forecast enterprise transaction data for a commercial enterprise; using model to identify one or more value drivers (key factors or value drivers), such as growth, profit margins, etc are varied systematically to test the sensitivity of the indicated business value to each driver (pp1) ... assessing changes in one value driver at a time, elements of value selected

Art Unit: 3622

from the group consisting of brands, customers, employees intellectual capital, partner etc., (pp 1-2); identifying value drivers (sensitive analysis of past results offers clues to what can be done in the future and which value drivers should receive the most attention to achieve optimal rewards) (see pp 1); use of models to complete analyses ... (see page 3). Bielinski teaches use of computerized models to estimate the value of a company and to guide them in setting purchase price. Bielinski teaches relatively few buyers take advantage of the capabilities of these models to enhance their due diligence and formulate strategies for increasing the cash flow and enhancing the value of their acquired targets... indeed as the art of modeling has progressed, new methodologies have been developed and applied to actual transaction in the market to sharply widen the utility and versatility of computer-based valuation value. Bielinski teaches financial performance to complete analyses of ... financial performance selected from group consisting of revenue, expense, capital change etc., (see pp 2).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 207-227 are rejected under 35 U.S.C. 103(a) as being unpatentable over “How to sort out the premium drivers of post-deal value” Bielinski, Daniel W. Mergers and Acquisitions: Jul/Aug 1993, Vol. 28, Iss.1; pg. 33, 5 pgs (hereinafter Bielinski), further in view of “Computers

Art Unit: 3622

” Brown, Carol E, Coakley, James, Phillips, Mary Ellen, Management Accounting, Montvale, May 1995 (hereinafter Brown).

Regarding claims 207, 208 and 210-212, Bielinski teaches valuation tool for preparing and integrating historical and forecasting transaction data from a plurality of enterprise related system; creating a plurality of performance indicators for each of the element of value, analyzing historical and forecast data for aspects of financial performance using indication algorithms and value driver candidates and creating impact summaries (see page 1-5). Bielinski teaches using computerized models to estimate the value of a company, facilitating value creation, analyzing historical data and forecast data, however does not teach training neural network models for one or more aspects of financial performance using performance indicators. using model to identify one or more value drivers (key factors or value drivers), such as growth, profit margins, etc are varied systematically to test the sensitivity of the indicated business value to each driver (pp1) ... assessing changes in one value driver at a time, elements of value selected from the group consisting of brands, customers, employees intellectual capital, partner etc. (pp 1-2); identifying value drivers (sensitive analysis of past results offers clues to what can be done in the future and which value drivers should receive the most attention to achieve optimal rewards) (see pp 1); use of models to complete analyses ... (see page 3). Bielinski teaches use of computerized models to estimate the value of a company and to guide them in setting purchase price. Bielinski states, relatively few buyers take advantage of the capabilities of these models to enhance their due diligence and formulate strategies for increasing the cash flow and enhancing the value of their acquired targets... indeed as the art of modeling has progressed, new methodologies have been developed and applied to actual transaction in the market to sharply widen the utility and

Art Unit: 3622

versatility of computer-based valuation value. Bielinski does not explicitly teach neural network models using the indicators and a portion of the data in order to identify value driver candidates. Brown teaches valuation using neural network and training neural network models for aspects of financial performance using indicators (see pgs 1-2 and 5-6). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention was made to implement Browns teaching by using neural network to analyze data, since it is well known that neural network increase score prediction accuracy and enable fast accurate score model implementation. Bielinski teaches financial performance selected from group consisting of revenue, expense, capital change etc., (see pp 2).

Regarding claim 209, Bielinski teaches identifying changes that optimize financial performance, however failed to teach the use of Markov Chain Monte Carlo model or use genetic algorithms. Official notice is taken that is old and well known in the art of finance to use optimization tools. It would have been obvious to one of ordinary skill in the art to use such model and other forms of optimization to maximize profit.

Regarding claims 213-227, Bielinski teaches aggregating enterprise related transaction data from one or more enterprise management system, creating performance indicators, analyzing historical and forecast data for aspects of financial performance using indication algorithms and value driver candidates and creating impact summaries (see page 1-5). Bielinski teaches using computerized models to estimate the value of a company, facilitating value creation, analyzing historical data and forecast data, however does not teach training neural network models for one or more aspects of financial performance using performance indicators. Brown teaches valuation using neural network and training neural network models for aspects of

Art Unit: 3622

financial performance using indicators (see pgs 1-2 and 5-6). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention was made to implement Browns teaching by using neural network to analyze data since it is well known that neural network increase score prediction accuracy and enable fast, accurate score model implementation.

Bielinski teaches financial performance selected from the group consisting of revenue, expense, capital change, cash flow etc., (see pgs 1&2). Bielinski teaches logged or recorded events for transaction data (see pg. 2). Bielinski teaches element of value selected from the group consisting of brands, customers, employees, etc., analyzes calculated for specific point in time, a net contribution of each element of value (see pg 2).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yehdega Retta whose telephone number is (571) 272-6723. The examiner can normally be reached on 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

YR

/Yehdega Retta/
Primary Examiner, Art Unit 3622



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/012,374 | 12/12/2001 | Jeffrey Scott Eder | | 9952 |

29051 7590 08/08/2003
JEFF EDER
19108 30TH DRIVE SE
MILL CREEK, WA 98012

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| EXAMINER |
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ELISCA, PIERRE E

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| ART UNIT | PAPER NUMBER |
|----------|--------------|

3621

DATE MAILED: 08/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
10/012,374

Applicant(s)
Jeffry Scott Eder

Examiner
Pierre E. Elisca

Art Unit
3621



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/12/2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

Serial Number: 10/012,374

Page 2

Art Unit: 3621



Examiner Pierre Eddy Elisca
United States Department of Commerce
Patent and Trademark Office
Washington, D.C. 20231

DETAILED ACTION

1. This Office action is in response to Application No. 10/012,374, filed on 12/12/2001.
2. Claims 1-24 are pending.

Claim Rejections - 35 USC § 102 (b)

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 (b) that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-24 are rejected under 35 U.S.C. 102 (b) as being anticipated by King (U.S. Pat. No. 6,148,293).

Art Unit: 3621

As per claims 1, 2, 8-14 and 20-24 King discloses an operatively interconnected data processing for creating, servicing and paying loan agreements between a lender and borrower providing for repayment of the loan together with interest at a periodically adjusted rate based on the terms of the agreement (which is readable as Applicant's claimed invention wherein it is stated that a computer-implemented for transferring risks from a commercial enterprise), comprising:

obtaining the matrix of risk for the commercial enterprise (see., abstract, col 1, lines 50-55, col 18, lines 55-67, specifically wherein it is stated that accessing a current government securities interest rate matrix stored within data base 116 of fig 1);

identifying and completing swaps (swaps or derivative security) for risks identified in the matrix of risk that can be swapped with other commercial enterprises (see., col 5, lines 63-67, col 6, lines 1-15, specifically wherein it is stated that risk may also be transferred through a fixed to floating rate interest swap contract, col 13, lines 4-24, please note that the financial instrument 100 of fig 1 manage and identify funds to be allocated to the various accounts, and therefore can identify swaps); identifying and completing the placement of insurance to transfer the remaining risks that are identified in the matrix of risk after the swap transactions are completed (see., col 20, lines 55-67, fig 7f step 422, please note that rate matrix stores within data base 116, col 5, lines 63-67, col 6, lines 1-15).

Art Unit: 3621

As per claims 3-6, 15-18, ,King discloses the claimed method wherein the matrix of risk includes risks associated with external factor variability (see., col 20, lines 55-67, rate matrix as entered into the system).

As per claims 7, 19, King discloses the claimed method of analyzing and sells risk reduction products specifically tailored to the needs of the commercial enterprise (see., abstract, col 13, lines 4-24, commercial enterprise or bank).

Conclusion

5. Any inquiry concerning this communication from the examiner should be directed to Pierre Eddy Elisca at (703) 305-3987. The examiner can normally be reached on Tuesday to Friday from 6:30AM. to 5:00PM.

If any attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, James Trammell can be reached on (703) 305-9768.

Any response to this action should be mailed to:

Commissioner of patents and Trademarks

Washington, D.C. 20231

The Official Fax Number For TC-3600 is:

(703) 305-7687

Serial Number: 10/012,374

Page 5

Art Unit: 3621


Pierre Eddy Elisca

Patent Examiner

August 05, 2003



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/012,374 | 12/12/2001 | Jeffrey Scott Eder | | 9952 |

29051 7590 01/21/2004

JEFF EDER
19108 30TH DRIVE SE
MILL CREEK, WA 98012

EXAMINER

ELISCA, PIERRE E

ART UNIT PAPER NUMBER

3621

DATE MAILED: 01/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/012,374

Applicant(s)

Jeffry Scott Eder

Examiner

Pierre E. Elisca

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/31/2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-77 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-77 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 6 6) ☐ Other: _____

Attachment 2

77

Art Unit: 3621



Examiner Pierre Eddy Elisca
United States Department of Commerce
Patent and Trademark Office
Washington, D.C. 20231

DETAILED ACTION

1. This Office action is in response to Applicant's amendments, filed on 07/07/2003 and 10/31/2003.
2. Claims 1-77 are pending.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3621

4. Claims 1-77 are rejected under 35 U.S.C. 103 (a) as being unpatentable by King (U.S. Pat. No. 6,148,293) in view of Shepherd (U.S. Pat. No. 6,134,536).

As per claims 1, 2, 8-14 and 20-77 King substantially discloses an operatively interconnected data processing for creating, servicing and paying loan agreements between a lender and borrower providing for repayment of the loan together with interest at a periodically adjusted rate based on the terms of the agreement (which is readable as Applicant's claimed invention wherein it is stated that a computer readable medium having sequences of instruction stored therein), comprising:

obtaining information for one or more segments of value (see., abstract, col 1, lines 50-55, col 18, lines 55-67, specifically wherein it is stated that accessing a current government securities interest rate matrix stored within data base 116 of fig 1);

completing one or more swap transactions (swaps or derivative security) for risks identified in the matrix of risk that can be swapped with other commercial enterprises (see., col 5, lines 63-67, col 6, lines 1-15, specifically wherein it is stated that risk may also be transferred through a fixed to floating rate interest swap contract, col 13, lines 4-24, please note that the financial instrument 100 of fig 1 manage and identify funds to be allocated to the various accounts, and therefore can identify swaps);

completing one or more product transactions to transfer one or more of the remaining (see., col 20, lines 55-67, fig 7f step 422, please note that rate matrix stores within data base 116, col 5, lines 63-67, col 6, lines 1-15). It is to be noted that King fails to explicitly disclose an organization risk information (or risk management). However, Shepherd discloses a risk management that constitute economic risk, commodity prices, currency exchange rates, interest rates, property prices, share

Art Unit: 3621

prices, inflation rates and so on (see., abstract, col 1, lines 31-62, col 2, lines 1-67, col 3, lines 37-65). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the King's reference by including the limitation detailed above as taught by Shepherd because this would manage risk relating to specified, future events.

As per claims 3-6, and 15-18, King discloses the claimed method wherein the matrix of risk includes risks associated with external factor variability (see., col 20, lines 55-67, rate matrix as entered into the system).

As per claims 7, and 19 King discloses the claimed method of analyzing and sells risk reduction products specifically tailored to the needs of the commercial enterprise (see., abstract, col 13, lines 4-24, commercial enterprise or bank).

RESPONSE TO ARGUMENTS

5. Applicant's arguments filed on 10/31/2003 have been fully considered but they are moot in view of new ground of rejection.

Conclusion

6. Any inquiry concerning this communication from the examiner should be directed to Pierre Eddy Elisca at (703) 305-3987. The examiner can normally be reached on Tuesday to Friday from 6:30AM. to 5:00PM.

Serial Number: 10/012,374

Page 5

Art Unit: 3621

If any attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor,
James Trammell can be reached on (703) 305-9768.

Any response to this action should be mailed to:

Commissioner of patents and Trademarks

Washington, D.C. 20231

The Official Fax Number For TC-3600 is:

(703) 305-7687


Pierre Eddy Elisca

Primary Examiner

January 05, 2004



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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/012,374 | 12/12/2001 | Jeffrey Scott Eder | | 9952 |

29051 7590 05/24/2004

JEFF EDER
19108 30TH DRIVE SE
MILL CREEK, WA 98012

EXAMINER

ELISCA, PIERRE E

ART UNIT PAPER NUMBER

3621

DATE MAILED: 05/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/012,374

Applicant(s)

EDER, JEFFREY SCOTT

Examiner

Pierre E. Elisca

Art Unit

3621

NW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-77 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-77 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office action is in response to Applicant's Amendment, filed on 3/05/2004.
2. Claims 1-77 are pending.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-77 are rejected under 35 U.S.C. 103 (a) as being unpatentable by King (U.S. Pat. No. 6,148,293) and Shepherd (U.S. Pat. No. 6,134,536) in view of Dembo et al (U.S. Pat. No. 6,278,981).

As per claims 1, 2, 8-14 and 20-77 King substantially discloses an operatively interconnected data processing for creating, servicing and paying loan agreements between a lender and borrower providing for repayment of the loan together with interest at a periodically adjusted rate based on the terms of the agreement (which is readable as Applicant's claimed invention wherein it is stated that a computer readable medium having sequences of instruction stored therein), comprising:

Art Unit: 3621

obtaining information for one or more segments of value (see., abstract, col 1, lines 50-55, col 18, lines 55-67, specifically wherein it is stated that accessing a current government securities interest rate matrix stored within data base 116 of fig 1);

completing one or more swap transactions (swaps or derivative security) for risks identified in the matrix of risk that can be swapped with other commercial enterprises (see., col 5, lines 63-67, col 6, lines 1-15, specifically wherein it is stated that risk may also be transferred through a fixed to floating rate interest swap contract, col 13, lines 4-24, please note that the financial instrument 100 of fig 1 manage and identify funds to be allocated to the various accounts, and therefore can identify swaps);

completing one or more product transactions to transfer one or more of the remaining (see., col 20, lines 55-67, fig 7f step 422, please note that rate matrix stores within data base 116, col 5, lines 63-67, col 6, lines 1-15). It is to be noted that King fails to explicitly disclose an organization risk information (or risk management). However, Shepherd discloses a risk management that constitute economic risk, commodity prices, currency exchange rates, interest rates, property prices, share prices, inflation rates and so on (see., abstract, col 1, lines 31-62, col 2, lines 1-67, col 3, lines 37-65). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the King's reference by including the limitation detailed above as taught by Shepherd because this would manage risk relating to specified, future events. King and Shepherd fail to disclose the recited feature of claim 18 wherein said a risk information and other tools for financial performance management at least a portion of said data. Dembo discloses a risk management in which a divide routine 42 is configured to divide

Art Unit: 3621

the input target portfolio or a portion of the portfolio (portfolio or data) see., col 9, lines 52-67. Accordingly, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of King and Shepherd by including the limitation detailed above as taught by Dembo because this would estimate the risk of the target data.

As per claims 3-6, and 15-18, King discloses the claimed method wherein the matrix of risk includes risks associated with external factor variability (see., col 20, lines 55-67, rate matrix as entered into the system).

As per claims 7, and 19 King discloses the claimed method of analyzing and sells risk reduction products specifically tailored to the needs of the commercial enterprise (see., abstract, col 13, lines 4-24, commercial enterprise or bank).

RESPONSE TO ARGUMENTS

5. Applicant's arguments filed on 3/5/2004 have been fully considered but they are moot in view of new ground of rejection. Necessitated by amendment/IDS filed on 3/5/2004.

REMARKS

6. Applicant also maintains that King and Shephert cannot be combined, the Examiner recognizes that obviousness can only be established by combining or

Art Unit: 3621

modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

The rationale to modify or combine the prior art does not have to be expressly stated in the prior art; the rationale may be expressly or impliedly contained in the prior art or it may be reasoned from knowledge generally available to one of ordinary skill in the art, established scientific principles, or legal precedent established by prior case law. In *re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). See also *In re Eli Lilli & Co.*, 902 F.2d 943, 14 USPQ2d 1741 (Fed. Cir. 1990) (discussion of reliance on legal precedent); *In re Nilssen*, 851 F.2d 1401, 7 USPQ2d 1500 (Fed. Cir. 1988) (references do not have to explicitly suggest combining teachings); *Ex parte Clapp*, 227 USPQ 972 (Bd. Pat. App. & Inter); and *Es parte Levengood*, 28 USPQ2d 1300 (Bd. Pat. App. & Inter. 1993) (reliance on logic and sound scientific reasoning).

Also in reference to *Ex parte Levengood*, 28 USPQ2d, 1301, the court stated that "Obviousness is a legal conclusion, the determination of which is a question of patent law.

Motivation for combining the teachings of the various references need not to explicitly found in the reference themselves, *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). Indeed, the Examiner may provide an explanation based on logic and sound

Art Unit: 3621

scientific reasoning that will support a holding of obviousness. In re Soli, 317 F.2d 941 137 USPQ 797 (CCPA 1963)"

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre E. Elisca whose telephone number is 703 305-3987. The examiner can normally be reached on 6:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 703 305-9769. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3621

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Pierre Eddy Elisca

Primary Patent Examiner

May 17, 2004



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/012,374 | 12/12/2001 | Jeffrey Scott Eder | | 9952 |
| 29051 | 7590 | 08/23/2004 | EXAMINER | |
| JEFF EDER 19108 30TH DRIVE SE MILL CREEK, WA 98012 | | | ELISCA, PIERRE E | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3621 | |

DATE MAILED: 08/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/012,374

Applicant(s)

EDER, JEFFREY SCOTT

Examiner

Pierre E. Elisca

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 July 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-77 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8-9, 11, 12, 15-66 and 71-77 is/are rejected.
- 7) ☒ Claim(s) 6, 7, 10, 13, 14 and 67-70 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. This Office action is in response to Applicant's RCE/Amendment, filed on 07/16/2004.
2. Claims 1-77 are pending.

Allowable Subject Matter

Allowable Subject Matter

3. Claims 6, 7, 10, 13, 14, 67, 68, 69, and 70 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-5, 8-9, 11, 12, 15-66, and 71-77 are rejected under 35 U.S.C. 103 (a) as being unpatentable by King (U.S. Pat. No. 6,148,293) and Shepherd (U.S. Pat. No. 6,134,536) in view of Dembo et al (U.S. Pat. No. 6,278,981).

Art Unit: 3621

As per claims 1, 2, 8, 9, 11, 12, 15-66 and 71-77 King substantially discloses an operatively interconnected data processing for creating, servicing and paying loan agreements between a lender and borrower providing for repayment of the loan together with interest at a periodically adjusted rate based on the terms of the agreement (which is readable as Applicant's claimed invention wherein it is stated that a computer readable medium having sequences of instruction stored therein), comprising: obtaining information for one or more segments of value (see., abstract, col 1, lines 50-55, col 18, lines 55-67, specifically wherein it is stated that accessing a current government securities interest rate matrix stored within data base 116 of fig 1); where the segments of value are selected from the group consisting of current operation, real potions, derivatives, excess financial assets, market sentiment and combinations (see., col 5, lines 63-67, col 6, lines 1-15); completing one or more product transactions to transfer one or more of the remaining (see., col 20, lines 55-67, fig 7f step 422, please note that rate matrix stores within data base 116, col 5, lines 63-67, col 6, lines 1-15). It is to be noted that King fails to explicitly disclose an organization risk information (or risk management, contingent liabilities, even risks, variability risks, market volatitily, and optimal risk). However, Shepherd discloses a risk management that constitute economic risk, commodity prices, currency exchange rates, interest rates, property prices, share prices, inflation rates and so on (see., abstract, col 1, lines 31-62, col 2, lines 1-67, col 3, lines 37-65). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the King's reference by including the limitation detailed above as taught by

Shepherd because this would manage risk relating to specified, future events. King and Shepherd fail to disclose the recited feature of claim 18 wherein said a risk information and other tools for financial performance management at least a portion of said data. Dembo discloses a risk management in which a divide routine 42 is configured to divide the input target portfolio or a portion of the portfolio (portfolio or data) see., col 9, lines 52-67. Accordingly, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of King and Shepherd by including the limitation detailed above as taught by Dembo because this would estimate the risk of the target data.

As per claims 3-5, and 15-18, King discloses the claimed method wherein the matrix of risk includes risks associated with external factor variability (see., col 20, lines 55-67, rate matrix as entered into the system).

As per claim 19 King discloses the claimed method of analyzing and sells risk reduction products specifically tailored to the needs of the commercial enterprise (see., abstract, col 13, lines 4-24, commercial enterprise or bank).

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre E. Elisca whose telephone number is 703 305-3987. The examiner can normally be reached on 6:30 to 5:00.

Art Unit: 3621

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 703 305-9769. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Pierre Eddy Elisca

Primary patent Examiner

August 11, 2004



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/012,374 | 12/12/2001 | Jeffrey Scott Eder | | 9952 |

29051 7590 07/06/2005

JEFF EDER
19108 30TH DRIVE SE
MILL CREEK, WA 98012

EXAMINER

ELISCA, PIERRE E

ART UNIT PAPER NUMBER

3621

DATE MAILED: 07/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|---------------------------------------|--|
| Office Action Summary | Application No. 10/012,374 | Applicant(s) WANG, TSAN-CHI | |
| | Examiner Pierre E. Elisca | Art Unit 3621 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
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- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 126-135 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 126-132 is/are rejected.
- 7) ☒ Claim(s) 133-135 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/8/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Regarding the status of the claims in the instant application, the Examiner has found new prior art (IDS). The Examiner is obliged to apply the newly found prior art. The Examiner regrets the delayed process of the application. Accordingly, claims 126-135 are pending.

Allowable Subject Matter

2. Claims 133-135 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1126-135 are rejected under 35 U.S.C. 103 (a) as being unpatentable by Ranger (U.S. Pat. No. 6,301,584) and Shepherd (U.S. Pat. No. 6,134,536) in view of Dembo et al (U.S. Pat. No. 6,278,981).

Art Unit: 3621

As per claims 126-132 Ranger substantially discloses a data integration system/method gathers information dynamically from one or more data sources, which may be located at different servers and have incompatible formats, structures the information into a configurable, object-oriented information model (which is readable as Applicant's claimed invention wherein said a computer readable medium having sequences of instruction stored therein), comprising:

obtaining information for one or more segments of value (see., abstract, col 2, lines 37-59, specifically property values);

completing one or more swap transactions for risks identified in the matrix of risk that can be swapped with other commercial enterprises (see., col 11, lines 31-49);

completing one or more product transactions to transfer one or more of the remaining (see., col 11, lines 31-49, col 12, lines 26-67, col 13, lines 6-63). It is to be noted that Ranger fails to explicitly disclose an organization risk information (or risk management). However, Shepherd discloses a risk management that constitute economic risk, commodity prices, currency exchange rates, interest rates, property prices, share prices, inflation rates and so on (see., abstract, col 1, lines 31-62, col 2, lines 1-67, col 3, lines 37-65). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the Ranger's reference by including the limitation detailed above as taught by Shepherd because this would manage risk relating to specified, future events. Ranger and Shepherd fail to disclose the recited feature of claim 18 wherein said risk information and other tools for financial performance management at least a portion of said data. Démbo discloses a risk management in

Art Unit: 3621

which a divide routine 42 is configured to divide the input target portfolio or a portion of the portfolio (portfolio or data) see., col 9, lines 52-67. Accordingly, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Ranger and Shepherd by including the limitation detailed above as taught by Dembo because this would estimate the risk of the target data.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre E. Elisca whose telephone number is 703 305-3987. The examiner can normally be reached on 6:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 703 305-9769. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 10/012,374
Art Unit: 3621

Page 5



Pierre Eddy Elisca

Primary Patent Examiner

June 20, 2005



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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|------------------------------|------------------|
| 10/012,374 | 12/12/2001 | Jeffrey Scott Eder | | 9952 |
| 53787 | 7590 | 05/22/2006 | | |
| ASSET TRUST, INC. 2020 MALTBY ROAD SUITE 7362 BOTHELL, WA 98021 | | | EXAMINER ELISCA, PIERRE E | |
| | | | ART UNIT 3621 | PAPER NUMBER |

DATE MAILED: 05/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | | |
|------------------------------|------------------|--|---------------------|--|
| Office Action Summary | Application No. | | Applicant(s) | |
| | 10/012,374 | | EDER, JEFFREY SCOTT | |
| | Examiner | | Art Unit | |
| | Pierre E. Elisca | | 3621 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 March 2006.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 and 126-151 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 148-151 is/are allowed.
- 6) ☒ Claim(s) 1-30, 126-132 and 136-147 is/are rejected.
- 7) ☒ Claim(s) 133-135 and 144-146 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to Applicant's amendment filed on 08/08/2005.
2. Claims 1-30 and 136-151 are added on 03/25/2006 and 08/08/2005. Claims 1-30 and 126-151 are pending.

Allowable Subject Matter

3. Claims 133-135 and 144-146 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 148-151 are allowed over the prior art of record.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-30, 126-132 and 136-147 are rejected under 35 U.S.C. 103 (a) as being unpatentable by Ranger (U.S. Pat. No. 6,301,584) and Shepherd (U.S. Pat. No. 6,134,536) in view of Dembo et al (U.S. Pat. No. 6,278,981).

As per claims 1-30, 126-132 and 136-147 Ranger substantially discloses a data integration system/method gathers information dynamically from one or more data sources, which may be located at different servers and have incompatible formats, structures the information into a configurable, object-oriented information model (which is readable as Applicant's claimed invention wherein said a computer readable medium having sequences of instruction stored therein), comprising:

obtaining information for one or more segments of value (see., abstract, col 2, lines 37-59, specifically property values);

completing one or more swap transactions for risks identified in the matrix of risk that can be swapped with other commercial enterprises (see., col 11, lines 31-49);

completing one or more product transactions to transfer one or more of the remaining (see., col 11, lines 31-49, col 12, lines 26-67, col 13, lines 6-63). It is to be noted that Ranger fails to explicitly disclose an organization risk information (or risk management). However, Shepherd discloses a risk management that constitute economic risk, commodity prices, currency exchange rates, interest rates, property prices, share prices, inflation rates and so on (see., abstract, col 1, lines 31-62, col 2, lines 1-67, col 3, lines 37-65). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the Ranger's reference by including the limitation detailed above as taught by Shepherd because this would manage risk relating to

specified, future events. Ranger and Shepherd fail to disclose the recited feature of claim 18 wherein said risk information and other tools for financial performance management at least a portion of said data. Dembo discloses a risk management in which a divide routine 42 is configured to divide the input target portfolio or a portion of the portfolio (portfolio or data) see., col 9, lines 52-67. Accordingly, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Ranger and Shepherd by including the limitation detailed above as taught by Dembo because this would estimate the risk of the target data.

RESPONSE TO ARGUMENTS

6. Applicant's arguments filed on 08/08/2005 have been fully considered but they are not persuasive. Necessitated by amendment.

REMARKS

7. In response to Applicant's arguments, Applicant maintains that Ranger, Shepherd, and Dembo cannot be combined, the Examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

The rationale to modify or combine the prior art does not have to be expressly stated in the prior art; the rationale may be expressly or impliedly contained in the prior art or it may be reasoned from knowledge generally available to one of ordinary skill in the art, established scientific principles, or legal precedent established by prior case law. In re Fine, 837 F.2d 1071, 5USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). See also In re Eli Lilli & Co., 902 F.2d 943, 14 USPQ2d 1741 (Fed. Cir. 1990) (discussion of reliance on legal precedent); In re Nilssen, 851 F.2d 1401, 7USPQ2d 1500 (Fed. Cir. 1988) (references do not have to explicitly suggest combining teachings); Ex parte Clapp, 227 USPQ 972 (Bd. Pat. App. & Inter.); and Es parte Levengood, 28 USPQ2d 1300 (Bd. Pat. App. & Inter. 1993) (reliance on logic and sound scientific reasoning).

Also in reference to Ex parte Levengood, 28 USPQ2d, 1301, the court stated that "Obviousness is a legal conclusion, the determination of which is a question of patent law.

Motivation for combining the teachings of the various references need not to explicitly found in the reference themselves, In re Keller, 642 F.2d 413, 208USPQ 871 (CCPA 1981). Indeed, the Examiner may provide an explanation based on logic and sound scientific reasoning that will support a holding of obviousness. In re Soli, 317 F.2d 941 137 USPQ 797 (CCPA 1963)."

Conclusion

8. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

Art Unit: 3621

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre E. Elisca whose telephone number is 571 272 6706. The examiner can normally be reached on 6:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571 272 6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 10/012,374

Page 7

Art Unit: 3621



Pierre Eddy Elisca

Primary Patent Examiner

May 12, 2006



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|---|-------------|----------------------|-------------------------------------|------------------|
| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
| 10/046,094 | 01/16/2002 | Jeff Scott Eder | | 2417 |
| 53787 7590 04/09/2007 ASSET TRUST, INC. 2020 MALTBY ROAD SUITE 2362 BOTHELL, WA 98021 | | | EXAMINER CHENCINSKI, SIEGFRIED E | |
| | | | ART UNIT 3692 | PAPER NUMBER |
| SHORTENED STATUTORY PERIOD OF RESPONSE | | | MAIL DATE | DELIVERY MODE |
| 3 MONTHS | | | 04/09/2007 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/046,094

Applicant(s)

EDER, JEFF SCOTT

Examiner

Siegfried E. Chencinski

Art Unit

3692

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date See Continuation Sheet
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

1. Claims 1, 28 and 29 are provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 1 and 27 of copending Application No. 2004/0215551 A1. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented. Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 1, 28 and 29 in the application and independent claims 1 and 27 in the copending application are each concerned with a computer-based method for determining the financial market value for the components of a business enterprise and developing options for enhancing the future financial value of management decisions.

2. **Claims 1, 28 and 29 are rejected** on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,393,406 and claims 1 and 12 of U.S. Patent No. 6,393,406. Although the conflicting claims are not identical, they are not patentably distinct from each other because claim 1 in the application and the independent claims in the patents are each concerned with a computer-based method for determining the financial market value for the components of a business enterprise and developing options for enhancing the future financial value of management decisions.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. **Claims 1-12 are rejected** because the claimed invention is directed to non-statutory subject matter. Claims 1, 28 and 29 are not directed to any one of the areas of patentable subject matter, such as product, process, process of making or composition. Dependent claims 2-27 are rejected because of their dependence on independent claim 1. In other words, claims 1, 28 and 29 are rejected under 35 U.S.C. 101 because the claimed invention is not supported by either a clearly asserted utility or a well established utility.

For a claim to be statutory under 35 USC 101 the following two conditions must be met:

1) In the claim, the practical application of an algorithm or idea results in a useful, concrete, tangible result.

Applicant is advised to satisfy the statutory requirements for the claims. Applicant is also advised not to add any new matter to the specification or the claims.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. **Claims 1, 28 and 29 are also rejected under 35 U.S.C. 112, first paragraph.** Specifically, since the claimed invention is not supported by either a clearly asserted utility or a well established utility for the reasons set forth above, one skilled in the art clearly would not know how to use the claimed invention.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. **Claims 43-46, 48-52 and 54-86 are rejected under 35 U.S.C. 112, second paragraph,** as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are the steps which would lead an ordinary practitioner of the art to successfully apply the invention to produce a concrete, reproducible quantitative valuation result of a firm. For example, Independent claims 1, 28 and 29 claim a system for integrated performance management, measuring of financial performance and flexible integration for a multi-enterprise organization without including one or more clear means for showing the ordinary practitioner how to implement the invention.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 6, 7 and 9 are rejected** under 35 U.S.C. 103(a) as being unpatentable over Joao.

Re. Claim 6, Sandretto discloses systems and methods and apparatus for: (1) inputting economic variables expected to influence future asset values and asset-specific variables; (2) estimating financial statements, future asset values, and tentative asset NPVs using estimated economic variables and estimated asset-specific variables; (3) estimating different financial statements, future asset values and current asset NPVs assuming different estimates of the economic variables that affect asset values; and (4) processes to: (a) equate; or (2) reduce to acceptably small numbers the differences between: (i) the risk measures, terminal values, default premiums, and risk premiums used to determine current values, and (ii) risk measures, terminal values, default premiums, and risk premiums implied by the estimates of economic and firm-specific variables. Sandretto implicitly discloses a performance management system for a multi-enterprise organization, including means for integrating narrow performance data in accordance with an organization matrix determining value contributions, creating scenarios, determining optimization scenarios, and communicating the optimal features mix to the narrow systems implementation. Therefore, an ordinary practitioner of the art at the time of Applicant's invention would have seen it as obvious to have used Sandretto's disclosures for the purpose of developing an integrated performance management system for a multi-enterprise organization, motivated by a desire to offer an improved method for estimating asset values (Col. 2, ll. 2-65).

Conclusion

7. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Siegfried Chencinski whose telephone number is (571)272-6792. The Examiner can normally be reached Monday through Friday, 9am to 6pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Richard E. Chilcot, can be reached on (571) 272-6777.

Art Unit: 3692

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks, Washington D.C. 20231


or Faxed to (571)273-8300 [Official communications; including After Final communications labeled "Box AF"]

or Faxed to (571) 273-6792 [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to the address found on the above USPTO web site in Alexandria, VA.

SEC

April 2, 2007


FRANTZY POINVIL
PRIMARY EXAMINER

Apr 3 6 92



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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/046,094 | 01/16/2002 | Jeff Scott Eder | | 2417 |

53787 7590 12/04/2007
ASSET TRUST, INC.
2020 MALTBY ROAD
SUITE 7362
BOTHELL, WA 98021

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| EXAMINER |
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CHENCINSKI, SIEGFRIED E

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| ART UNIT | PAPER NUMBER |
|----------|--------------|

3691

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| MAIL DATE | DELIVERY MODE |
|-----------|---------------|

12/04/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/046,094

Applicant(s)

EDER, JEFF SCOTT

Examiner

Siegfried E. Chencinski

Art Unit

3692

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 August & 19 November 2007.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 69-95 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 69-95 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 8/09/07; 9/03/07; 11/21/07
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Information Disclosure Statement

1. Applicant has submitted 190 IDS documents for consideration since the examiner's last Office Action. The examiner has not considered these submissions because he is unable to consider this volume of IDS material. Therefore, the examiner requests Applicant's cooperation in this prosecution under MPEP 609.04(a) III, last paragraph, that Applicant submit a "concise explanation of why the English-language information is being submitted and how it is understood to be relevant. Concise explanations (especially those which point out the relevant pages and lines) which are helpful to the Office" will be helpful for any ongoing prosecution of this application.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to

be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. **Claims 69, 79 and 88 are provisionally rejected** on the ground of nonstatutory obviousness-type double patenting as being unpatentable over copending Application No. 09/994,740 (PreGrant Publication 2004/0215551 A1). This is a provisional double patenting rejection since the conflicting claims have not in fact been patented. Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 69, 79 and 88 in the application and independent claims 1 and 27 in the copending application are each concerned with a computer-based method for determining the financial market value for the components of a business enterprise, assessing the financial impact of risk and developing options for enhancing the future financial value of management decisions.

4. **Claims 69, 79 and 88 are rejected** on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,393,406 and claims 1 and 12 of U.S. Patent No. 6,393,406. Although the conflicting claims are not identical, they are not patentably distinct from each other because claim 1 in the application and the independent claims in the patents are each concerned with a computer-based method for determining the financial market value for the components of a business enterprise, assessing the financial impact of risk and developing options for enhancing the future financial value of management decisions.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 69-95 are rejected because the claimed invention is directed to non-statutory subject matter. Claims 69, 79 and 88 are not directed to any one of the areas of patentable subject matter, such as product, process, process of making or composition. Dependent claims 70-79, 80-87 and 89-95 are rejected because of their dependence on independent claim 1. In other words, claims 69, 79 and 88 are rejected under 35 U.S.C. 101 because the claimed invention is not supported by either a clearly asserted utility or a well established utility.

For a claim to be statutory under 35 USC 101 the following two conditions must be met:

1) In the claim, the practical application of an algorithm or idea results in a useful, concrete, tangible result.

In the instant application, the independent claims fail to produce a useful, concrete or tangible result because the method steps end with the performance of a financial simulation which is left unused and unapplied. In other words, it is merely an esoteric exercise without a practical application.

Applicant is advised to satisfy the statutory requirements for the claims. Applicant is also advised not to add any new matter to the specification or the claims.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 69-95 are also rejected under 35 U.S.C. 112, first paragraph.

Specifically, since the claimed invention is not supported by either a clearly asserted utility or a well established utility for the reasons set forth above, one skilled in the art clearly would not know how to use the claimed invention. Ordinary practitioners would not be able to achieve repeatable results and thus is not concrete. The invention cannot

Art Unit: 3692

achieve repeatable results because its implementation requires many subjective judgments and has so many parameters that that results cannot be repeated independently.

7. **Claims 69-95 are also rejected** under 35 U.S.C. 112, first paragraph, because the best mode contemplated by the inventor has not been disclosed. Evidence of concealment of the best mode is based upon the fact that no best mode is found in the specification (MPEP 2106. IV.C.2(2)c)

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. **Claims 69-95 are rejected under 35 U.S.C. 112, second paragraph**, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are the steps which would lead an ordinary practitioner of the art to successfully apply the invention to produce a concrete, reproducible quantitative valuation result of a firm. For example, Independent claims 69, 79 and 88 claim program storage devices readable by a computer and a method for integrated performance management, measuring of financial performance and flexible integration for brand risk management without including one or more clear means for showing the ordinary practitioner how to implement the invention.

9. **Independent claims 69, 79 and 88 are rejected under 35 U.S.C. 112, second paragraph**, because these claims recite the limitation "brand risk management in the preamble and in the first limitation of each claim. There is insufficient antecedent basis for this limitation in these independent claims. Further, the examiner has been unable to find broader descriptions in the specification which reasonably link risk management to brand risk management.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 69-95 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sandretto (US Patent 5,812,988).

Re. Claims 69-95, Sandretto discloses a computer implemented method and apparatus for: (1) inputting economic variables expected to influence future asset values and asset-specific variables; (2) estimating financial statements, future asset values, and tentative asset NPVs using estimated economic variables and estimated asset-specific variables; (3) estimating different financial statements, future asset values and current asset NPVs assuming different estimates of the economic variables that affect asset values; and (4) processes to: (a) equate, or (2) reduce to acceptably small numbers the differences between: (i) the risk measures, terminal values, default premiums, and risk premiums used to determine current values, and (ii) risk measures, terminal values, default premiums, and risk premiums implied by the estimates of economic and firm-specific variables (Abstract). Sandretto's teaching includes a program storage device readable by a computer, tangibly embodying a program of instructions executable by at least one computer to perform the steps of his method (Col. 14, ll. 30-32). Sandretto implicitly discloses a performance management system for a multi business unit organization, including means for integrating narrow performance data from business units in accordance with an organization matrix determining value contributions, creating scenarios, determining elements of value, determining optimization scenarios, and communicating the optimal features mix to the narrow systems implementation. Sandretto teaches risk management in his method in the title, in the abstract and throughout his specification. It would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention that Sandretto's

risk management teachings could be applied to numerous value parameters of an enterprise, including brand risk management, since applicant's claimed invention includes the variables understood by an ordinary practitioner in a large corporation having numerous business units to be used in risk assessed financial valuations and forecasts for such a corporation. Therefore, an ordinary practitioner of the art at the time of Applicant's invention would have seen it as obvious to have used Sandretto's disclosures for the purpose of developing an integrated brand risk management systems, methods and a program storage device for a multi-enterprise organization, motivated by a desire to offer an improved method for estimating asset values (Col. 2, ll. 2-65).

Response to Arguments

10. Applicant's arguments received on August 25, 2007 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Siegfried Chencinski whose telephone number is

Art Unit: 3692

(571)272-6792. The Examiner can normally be reached Monday through Friday, 9am to 6pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Alexander Kalinowski, can be reached on (571) 272-6771.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks, Washington D.C. 20231


or Faxed to (571)273-8300 [Official communications, including After Final communications labeled "Box AF"]

or Faxed to (571) 273-6792 [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to the address found on the above USPTO web site in Alexandria, VA.

SEC

November 29, 2007



NARAYANSWAMY SUBRAMANIAN
PRIMARY EXAMINER



UNITED STATES PATENT AND TRADEMARK OFFICE

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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/329,172 | 12/23/2002 | Jeff Scott Eder | VM-50 | 1664 |
| 29051 | 7590 | 08/11/2004 | EXAMINER | |
| JEFF EDER 19108 30TH DRIVE SE MILL CREEK, WA 98012 | | | DASS, HARISH T | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3628 | |

DATE MAILED: 08/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/329,172

Applicant(s)

EDER, JEFF SCOTT

Examiner

Harish T Dass

Art Unit

3628



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 December 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claim 30 recites the limitation "the method" in page 5 line 15. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 39-41 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The rejected claims cover every conceivable product.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 39-41 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The rejected claims do not recite any elements of the claimed product. Thus, they do not clearly set forth metes and bounds of the claimed product.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 39-41 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. See MPEP section 2106 (IV) B1 for nonstatutory subject matter where the claims to a products are nothing but ordinary insurance policies and merely claiming nonfunctional descriptive material that can be on paper, which does not make it statutory. "Nonfunctional descriptive material" includes but is not limited to music, literary works and a compilation or mere arrangement of data.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 11-22, 30-39 and 41 are rejected under 35 U.S.C. 102(b) as being anticipated by Garman (US 5,819,237).

Re. Claims 1, 20 and 39 Garman discloses a method and a system for assessment of market-based financial risk in the trading of financial instruments, where a software

Art Unit: 3628

product employs this method in a financial analysis application in an optimized implementation, and the system includes the software product along with databases storing the trading portfolio(s) [See entire document particularly, Abstract; Figure 2; C 1 L6 to C4 L54], networked computers each with a processor having circuitry to execute instructions [Figure 2; C5 L1-L10], a storage device available to each processor with sequences of instructions stored therein [Fig. 2 (#115, #140); C5 L1-L10], which when executed cause the processors [Fig. 2 (#111)] to: obtain quantified risk data by element of value for a plurality of customers [C5 L27-L45; C11 L57-L61], and analyze the quantified client risk data to identify swap transactions between customers that will reduce their risk [Abstract; C1 L66 to C2 L24].

Re. Claims 2 and 21, Garman discloses where the swap transactions exchange risk associated with one **or** more elements of value, risk associated with one **or** more external factors and combinations thereof (λ_i) [C9 L27-L39].

Re. Claims 3 and 22, Garman discloses where the swap transactions are completed in an automated fashion [C1 L6-L11].

Re. Claims 11 and 30, Garman discloses obtaining risk transfer operation regulatory requirements and performance data, generating scenarios for customer risk transfer and risk transfer operation performance using the performance data, regulatory requirements and client risk data [C2 L35-47; C10 L18-L26], and identifying, displaying

Art Unit: 3628

and optionally implementing the optimal mode for risk transfer operation and customer risk transfer in an automated fashion [abstract; Figure 2 (#116); C3 L32-L58; C10 L57 to C11 L21].

Re. Claims 12 and 31, Garman discloses where the risk transfer operation is risk exchange (market *risk* of the *swap*) [C2 L8].

Re. Claims 13 and 32, Garman discloses incremental VaR impact values, ranked to identify the trade(s) that most favorably reduce the VaR measure, and derivative vectors (which includes such states, where the scenarios are selected from the group consisting of normal, extreme and combinations thereof) [C3 L60 to C4 L5; C11 L15-L21; C11 L33-L40].

Re. Claims 14 and 33, Garman discloses where the optimal operating modes are determined for each scenario [Abstract].

Re. Claims 15-19, 34-38 and 41, Garman discloses where the optimal operating mode for each customer is the mode that maximizes value for a given level of risk within the constraints imposed by the customers available capital (cashflow), where a multi-criteria optimization can be used to identify the optimal operating mode for optimizing (product of two vectors), where the optimal mode for the risk transfer operation is the mode that maximizes value while satisfying regulatory requirements. [Abstract; C7 L1 to C8 L30;

Art Unit: 3628

LC12 L57-L67], where implementing the optimal customer risk transfer and value-at-
Risk (VaR) is a method for assessment of market-based financial **risk** in the trading of
financial instruments (consisting of insurance policy transactions, swap transactions,
derivative transactions and combinations, contingent capital contract changes,
contingent capital contract purchases, investment duration changes, investment mix
changes, product additions, product specification changes, product price changes,
reserve changes and combinations) [Abstract].

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all
obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6 and 25 rejected under 35 U.S.C. 103(a) as being unpatentable over Garman.

Re. Claims 6 & 25, Garman discloses quantified risk data [C5 L27-L45; C11 L57-L61].
Garman does not explicitly disclose xml schema. However, xml schema is well known
and used by web pages. It would have been obvious at the time the invention was made
to a person having ordinary skill in the art to modify the disclosure of Garman and add
use of xml schema to allow the user to input data on web page which is similar to
ordinary page and to make it easy and understandable.

Art Unit: 3628

Claims 4-5, 7-9, 23-24, 26-28 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garman in view of King et al (hereinafter King – US 5,704,045)

Re. Claims 4-5, 7-8, 23-24 and 26-27 Garman does not explicitly where the customers are enterprises, multi company corporations **or** value chains and where the customers are enterprises, multi company corporations **or** value chains, where the quantified risk data are provided by the customer, developed from customer supplied data and combinations, where the quantified risk data are provided by the customer, developed from customer supplied data and combinations, where the quantified risk data by element of value identifies element value drivers, and where the risks are event risks, contingent liabilities, volatility risks and combinations. However, King discloses financial management system for insurance or other financial enterprise, transferring risk to an entity and where the customers are enterprises, multi company corporations **or** value chains, where the quantified risk data are provided by the customer, developed from customer supplied data and combinations, where the quantified risk data are provided by the customer, developed from customer supplied data and combinations, where the quantified risk data by element of value identifies element value drivers, and where the risks are event risks, contingent liabilities, volatility risks and combinations [C9 L6-L13; C9 L42-L45; C3 L4-L7; C6 L38 to C7 L6; C19 L12-L28; C26 L33-L57] to transfer a single unique risk of large corporation (entity). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the

Art Unit: 3628

disclosure of Garman and include quantifiable risk data for corporations, as taught by King, to monitor the risk and quantify the amount of liability of the entity.

Re. Claims 9, 28 and 40 Garman discloses assets. Garman does not explicitly disclose where the elements of value are selected from the group consisting of alliances, brands, channels, customers, customer relationships, employees, equipment, intellectual property, partnerships, processes, production equipment, vendors, vendor relationships and combinations thereof. However, King discloses these well-known steps as assets, where these assets are usually reflected on corporations' financial statements. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Garman and include the list of assets from financial statement to provide detail breakdown of assets and their values for better understanding of each asset and their values.

Claims 10 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garman in view of Dembo et al (hereinafter Dembo – US 6,278,981).

Re. Claims 10 and 29, Garman discloses value-at-risk, assets, current value and risk behavior. Garman does not explicitly disclose where external factors are selected from the group consisting of commodity prices, inflation rate, gross domestic product, volatility, interest rates, insider trading, consumer confidence, organization performance against expectations, the unemployment rate and combinations thereof. However,

Art Unit: 3628

Dembo et al (hereinafter Dembo – US 6,278,981) discloses volatility [C5 L20-L25] to value the portfolio under all of those scenarios. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Garman and include volatility, as described by Dembo, to generate risk factor space.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harish T Dass whose telephone number is 703-305-4694. The examiner can normally be reached on 8:00 AM to 4:50 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S Sough can be reached on 703-308-0505. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Harish T Dass
Examiner
Art Unit 3628

8/3/04


HYUNG SOUGH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600



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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/329,172

12/23/2002

Jeff Scott Eder

VM-50

1664

29051

7590

06/08/2005

EXAMINER

DASS, HARISH T

JEFF EDER

19108 30TH DRIVE SE

MILL CREEK, WA 98012

ART UNIT

PAPER NUMBER

3628

DATE MAILED: 06/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/329,172

Applicant(s)

EDER, JEFF SCOTT

Examiner

Harish T Dass

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 8/28/2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 42-82 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 42-82 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/7/05, 8/24/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

- Claims 1 - 41 are cancel.
- Resubmit IDS for Foreign Patent documents and non-patent literature. The missing documents are marked with (*) asterisk.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 71-74 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Specifically claim 71 lines 5-6 "where the optimal set of risk transfer transactions is the set that minimizes the value impact of retained risks within the constraints on risk transfer imposed by the capital available for risk transfer purchases".

Claims 81-82 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The rejected claims cover every conceivable product. Provide clarity and sections, pages which enable the examiner to clearly evaluate the claims.

Art Unit: 3628

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 81-82 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The rejected claims do not recite any elements of the claimed product. Thus, they do not clearly set forth metes and bounds of the claimed product.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 71-74 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

As an initial matter, the United States Constitution under Art. I, §8, cl. 8 gave Congress the power to "[p]romote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries". In carrying out this power, Congress authorized under 35 U.S.C. §101 a grant of a patent to "[w]hoever invents or discovers any new and useful process, machine, manufacture, or composition or matter, or any new and useful improvement thereof." Therefore, a fundamental premise is that a patent is a statutorily created vehicle for Congress to confer an exclusive right to the inventors for "inventions" that

Art Unit: 3628

promote the progress of "science and the useful arts". The phrase "technological arts" has been created and used by the courts to offer another view of the term "useful arts". See *In re Musgrave*, 167 USPQ (BNA) 280 (CCPA 1970). Hence, the first test of whether an invention is eligible for a patent is to determine if the invention is within the "technological arts".

Further, despite the express language of §101, several judicially created exceptions have been established to exclude certain subject matter as being patentable subject matter covered by §101. These exceptions include "laws of nature", "natural phenomena", and "abstract ideas". See *Diamond v. Diehr*, 450, U.S. 175, 185, 209 USPQ (BNA) 1, 7 (1981). However, courts have found that even if an invention incorporates abstract ideas, such as mathematical algorithms, the invention may nevertheless be statutory subject matter if the invention as a whole produces a "useful, concrete and tangible result." See *State Street Bank & Trust Co. v. Signature Financial Group, Inc.* 149 F.3d 1368, 1973, 47 USPQ2d (BNA) 1596 (Fed. Cir. 1998).

This "two prong" test was evident when the Court of Customs and Patent Appeals (CCPA) decided an appeal from the Board of Patent Appeals and Interferences (BPAI). See *In re Toma*, 197 USPQ (BNA) 852 (CCPA 1978). In *Toma*, the court held that the recited mathematical algorithm did not render the claim as a whole non-statutory using the Freeman-Walter-Abele test as applied to *Gottschalk v. Benson*, 409 U.S. 63, 175 USPQ (BNA) 673 (1972). Additionally, the court decided separately on the issue of the "technological arts". The court developed a "technological arts" analysis:

The "technological" or "useful" arts inquiry must focus on whether the claimed subject matter...is statutory, not on whether the product of the claimed subject matter...is statutory, not on whether the prior art which the claimed subject matter purports to replace...is statutory, and not on whether the claimed subject matter is presently perceived to be an improvement over the prior art, e.g., whether it "enhances" the operation of a machine. In re Toma at 857.

In Toma, the claimed invention was a computer program for translating a source human language (e.g., Russian) into a target human language (e.g., English). The court found that the claimed computer implemented process was within the "technological art" because the claimed invention was an operation being performed by a computer within a computer.

The decision in State Street Bank & Trust Co. v. Signature Financial Group, Inc. never addressed this prong of the test. In State Street Bank & Trust Co., the court found that the "mathematical exception" using the Freeman-Walter-Abele test has little, if any, application to determining the presence of statutory subject matter but rather, statutory subject matter should be based on whether the operation produces a "useful, concrete and tangible result". See State Street Bank & Trust Co. at 1374. Furthermore, the court found that there was no "business method exception" since the court decisions that purported to create such exceptions were based on novelty or lack of enablement issues and not on statutory grounds. Therefore, the court held that "[w]hether the patent's claims are too broad to be patentable is not to be judged under ^o101, but rather under §§102, 103 and 112." See State Street Bank & Trust Co. at 1377. Both of these

Art Unit: 3628

analysis goes towards whether the claimed invention is non-statutory because of the presence of an abstract idea. Indeed, State Street abolished the Freeman-Walter-Abele test used in *Toma*. However, State Street never addressed the second part of the analysis, i.e., the "technological arts" test established in *Toma* because the invention in State Street (i.e., a computerized system for determining the year-end income, expense, and capital gain or loss for the portfolio) was already determined to be within the technological arts under the *Toma* test. This dichotomy has been recently acknowledged by the Board of Patent Appeals and Interferences (BPAI) in affirming a §101 rejection finding the claimed invention to be non-statutory. See *Ex parte Bowman*, 61 USPQ2d (BNA) 1669 (BdPatApp&Int 2001).

In the present application, Claims 71-74 have no connection to the technological arts. None of the steps indicate any connection to a computer or technology. Therefore, the claims are directed towards non-statutory subject matter. To overcome this rejection the Examiner recommends that Applicant amend the claims to better clarify which of the steps are being performed within the technological arts.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3628

Claims 71 and 74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garman (US 5,819,237).

Re. Claim 71, Garman discloses obtaining value impact and risk data by element of value and market value factor for each of a plurality of customers [C 1 L6 to C4 L54; C5 L27-L45; C11 L57-L61; C3 L60 to C4 L5; C11 L15-L21; C11 L33-L40], analyzing said data to identify an optimal set of risk transfer transactions for each customer [Abstract; C1 L66 to C2 L24], and optionally implementing the optimal set of risk transfer transactions where customer risk transfer transactions are selected from the group consisting of insurance policy transactions, swaps, derivative transactions and combinations thereof [abstract; Figure 2 (#116); C3 L32-L58; C10 L57 to C11 L21]. Garman does not explicitly disclose where the optimal set of risk transfer transactions is the set that minimizes the value impact of retained risks within the constraints on risk transfer imposed by the capital available for risk transfer purchases. However, it is known that the optimization analysis is expressed in relevant trade-offs and constraints as an objective mathematical function to be maximized or minimized and in business the objective is to minimize the risk of loss and maximize the income/profit. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Garman to calculate the relative trade-off shifting the risk by changing constraints to reduce the losses.

Re. Claim 74, Garman discloses where the quantified risk data are obtained from the group consisting of data provided by one or more customers, analysis of data supplied

Art Unit: 3628

by one or more customers, analysis of data from external sources and combinations thereof [C5 L27-L45; C11 L57-L61].

Claims 72-73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garman (US 5,819,237) in view of King et al. (hereinafter King – US 5,704,045).

Re. Claims 72-73, Garman does not explicitly disclose where the elements of value are selected from the group consisting of interest rates. However, However, King discloses these well-known steps as assets [Abstract; C3 L12-L17; C4 L58 to C5 L21], where these assets are usually reflected on corporations' financial statements. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine the disclosures of Garman, and King and include the list of assets from financial statement to provide detail breakdown of assets and their values for better understanding of each asset and their values.

Claims 42-70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garman (US 5,819,237) in view of King et al. (hereinafter King – US 5,704,045) and Epstein (US 6795811).

Re. Claim 42, Garman discloses obtaining quantified risk data for a plurality of customers [Garman - See entire document particularly, Abstract; Figure 2; C 1 L6 to C4 L54; C5 L27-L45; C11 L57-L61] and analyzing the quantified customer risk data to identify one or more swap transactions between customers that will reduce their risk

Art Unit: 3628

[Garman Abstract; C1 L66 to C2 L24]. Garman does not explicitly disclose where the quantified risks are selected from the group consisting of event risks, contingent liabilities, volatility risks and combinations thereof and optionally completing one or more of the identified transactions in an automated fashion. However, King discloses where the quantified risks are selected from the group consisting of event risks, contingent liabilities, volatility risks and combinations thereof [King - C9 L6-L13; C9 L42-L45; C3 L4-L7; C6 L38 to C7 L6; C19 L12-L28; C26 L33-L57] to transfer a single unique risk of large corporation (entity), and Epstein discloses optionally completing one or more of the identified transactions in an automated fashion [Epstein - Abstract; C1 L31-L42; C2 L37-L48] to immediately accept best investment available at the end of predetermine period. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine the disclosure of Garman, King and Epstein to provide automatic quantified risk analyses, transfer and accepting of a unique risk of an entity to avoid losses.

Re. Claims 43 and 47, King further discloses where the customers are enterprises, multi company corporations or value chains, and where the quantified risk data identifies risk by category of value where the categories of value are selected from the group consisting of current operation, real options [C9 L6-L13; C9 L42-L45; C3 L4-L7; C6 L38 to C7 L6; C19 L12-L28; C26 L33-L57], to transfer a single unique risk of large corporation (entity)]. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine the disclosure of Garman, King and

Art Unit: 3628

Epstein to provide automatic quantified risk analyses, transfer and accepting of a unique risk of an entity to avoid losses.

Re. Claim 44, Garman discloses where the quantified risk data are obtained from the group consisting of data provided by one or more customers, analysis of data supplied by one or more customers, analysis of data from external sources and combinations thereof [Garman - C5 L27-L45; C11 L57-L61].

Re. Claim 45, Garman discloses where the swap transactions exchange risk associated with one or more elements of value, risk associated with one or more market value factors and combinations thereof ($\Sigma\Gamma$) [Garman - C9 L27-L39].

Re. Claim 46 Garman discloses assets. Garman does not explicitly disclose where the elements of value are selected from the group consisting of alliances, brands, channels, customers, customer relationships, employees, equipment, intellectual property, partnerships, processes, production equipment, supply chains, vendors, vendor relationships and combinations thereof and market value factors are selected from the group consisting of commodity prices, inflation rate, gross domestic product, volatility, interest rates, insider trading, consumer confidence, organization performance against expectations, the unemployment rate and combinations thereof. However, King discloses these well-known steps as assets [Abstract; C3 L12-L17; C4 L58 to C5 L21], where these assets are usually reflected on corporations' financial statements. It would

Art Unit: 3628

have been obvious at the time the invention was made to a person having ordinary skill in the art to combine the disclosures of Garman, King and Epstein and include the list of assets from financial statement to provide detail breakdown of assets and their values for better understanding of each asset and their values.

Re. Claim 48, Garman discloses where the method further comprises: obtaining risk transfer operation regulatory requirements and performance data, generating scenarios for customer risk transfer and risk transfer operation performance using the performance data, regulatory requirements and customer risk data [Garman - C2 L35-47; C10 L18-L26], identifying and displaying the optimal mode for customer risk transfer and risk transfer operation under each scenario, and optionally implementing the optimal mode for a chosen scenario in an automated fashion [Garman - abstract; Figure 2 (#116); C3 L32-L58; C10 L57 to C11 L21].

Re. Claim 49, King further discloses where the risk transfer operation is an insurance company, risk exchange or broker [King – C1 L9-L15; C2 L30 to C3 L63] to facilitate the transfer of unique risks such as those with a high possibility of loss, where the loss could come earlier rather than later or with more severity than projected. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine the disclosures of Garman, King and Epstein to transfer a single unique risk of large corporation.

Art Unit: 3628

Re. Claim 50, Garman discloses where the scenarios are selected from the group consisting of normal, extreme and combinations thereof [Garman - C3 L60 to C4 L5; C11 L15-L21; C11 L33-L40].

Re. Claim 51, Garman discloses where the optimal operating mode for each customer is the mode that maximizes their expected value for a given level of risk within the constraints imposed by the capital they have available for risk transfer purchases [Garman - Abstract; C7 L1 to C8 L30; LC12 L57-L67].

Re. Claim 52, Garman discloses where implementing the optimal customer risk transfer includes completing transactions from the group consisting of insurance policy transactions, swap transactions, derivative transactions and combinations thereof [Garman - Abstract].

Re. Claim 53, Garman discloses where the optimal mode for the risk transfer operation is the mode that maximizes value while satisfying regulatory requirements [Garman - Abstract; C7 L1 to C8 L30; LC12 L57-L67].

Re. Claim 54, Garman discloses where implementing the optimal mode for the risk transfer operation includes taking actions selected from the group consisting of contingent capital contract changes, contingent capital contract purchases, investment duration changes, investment mix changes, product additions, product specification

Art Unit: 3628

changes, product price changes, changing reserves and combinations thereof [Garman - Abstract].

Re. Claim 55, Garman discloses where a multi-criteria optimization can be used to identify the optimal operating mode for optimizing two or more aspects of financial performance for the risk transfer operation or customers [Garman - Abstract; C7 L1 to C8 L30; LC12 L57-L67].

Re. Claim 56, Claim 56 has the same limitations as claims 42 and 47, therefore it is rejected on the same rational as claim 42 and 47.

Re. Claim 57, claim 57 is rejected with same rational as claim 48.

Re. Claim 58, claim 58 is rejected with same rational as claim 52.

Re. Claim 59, claim 59 is rejected with same rational as claim 43.

Re. Claim 60, Garman does not explicitly disclose where the organization related data complies with a common xml schema. However, xml schema is well known and used by web pages which can include data. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Garman and add use of xml schema to allow the user to input data on web page which is similar to ordinary page and to make it easy and understandable.

Re. Claim 61, claim 61 is rejected with same rational as claim 46.

Re. Claims 62-63, Garman discloses where the value impact of each element of value and market value factor is identified as part of risk quantification [C3 L60 to C4 L5; C11 L15-L21; C11 L33-L40], and where the optimal set of transactions for each customer is the set that maximizes the value impact of the transferred risk within the constraints imposed by the customer's available capital [Abstract; C7 L1 to C8 L30; LC12 L57-L67].

Re. Claim 64, claim 64 is rejected with same rational as claim 46.

Re. Claim 65, claim 65 is rejected with same rational as claim 51.

Re. Claim 66, claim 66 is rejected with same rational as claim 48.

Re. Claim 67, claim 66 is rejected with same rational as claim 49.

Re. Claim 68, claim 68 is rejected with same rational as claim 50.

Re. Claim 69, claim 69 is rejected with same rational as claim 53.

Re. Claim 70, claim 70 is rejected with same rational as claim 54.

Claims 75-80 and are rejected under 35 U.S.C. 103(a) as being unpatentable over Garman in view of King.

Re. Claims 75-76 and 78, Garman discloses management systems for a plurality of customers, means for accessing and storing data from said management systems [figure 2; C14 L20-L25; C5 L1-L10]; C11 L57-L61], means for obtaining and storing risk transfer operation regulatory requirements and performance data, means for generating

Art Unit: 3628

scenarios for customer risk transfer requirements and risk transfer operation performance using the performance data, regulatory requirements and customer data [C2 L35-47; C10 L18-L26]; and means for identifying, displaying and optionally implementing the optimal mode for risk transfer operation [abstract; Figure 2 (#116); C3 L32-L58; C10 L57 to C11 L21]. Garman does not explicitly disclose where the customer risks are selected from the group consisting of event risks, contingent liabilities, volatility risks and combinations thereof, and where management systems are selected from the group consisting of advanced financial systems, basic financial systems, web site management systems, alliance management systems, brand management systems, customer relationship management systems, channel management systems, intellectual property management systems, process management systems, vendor management systems, operation management systems, sales management systems, human resource systems, accounts receivable systems, accounts payable systems, capital asset systems, inventory systems, invoicing systems, payroll systems, enterprise resource planning systems (ERP), material requirement planning systems (MRP), scheduling systems, quality control systems, purchasing systems, risk management systems, the Internet, external databases, user input and combinations thereof.

However, King discloses these steps [King - C9 L6-L13; C9 L42-L45; C3 L4-L7; C6 L38 to C7 L6; C19 L12-L28; C26 L33-L57] to transfer a single unique risk of large corporation (entity). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine the disclosure of Garman, and King to

Art Unit: 3628

provide quantified risk analyses, and transfer of risk a unique risk such as: event risks, contingent liabilities, or volatility risks of an entity to avoid, minimize or reduce losses.

Re. Claim 77, Garman discloses where the value impact of each element of value and market value factor is identified as part of scenario development [C2 L35-47; C10 L18-L26; C3 L60 to C4 L5; C11 L15-L21; C11 L33-L40].

Re. Claims 79-80, Garman discloses where implementing the optimal mode further comprises completing actions selected from. the group consisting of contingent capital contract changes, contingent capital contract purchases, investment duration changes, investment mix changes, product additions, product specification changes, product price changes, reserve changes, implementing an optimal set of risk transfer transactions for each customer and combinations thereof and where customer risk transfer transactions are insurance policy transactions, swaps, derivative purchases and combinations thereof [Garman - Abstract].

Response to Arguments

Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Claims 1-41 are canceled.

Art Unit: 3628

Claims 42-82 are rejected.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 CFR ' 1.111 (c) to consider the references fully when responding to this action.

Caouette et al, 1998 "Managing Credit Risk – The Next Great financial Challenge", John Wiley & Sons, Inc., NY – ISBN 0-471-11189-9; (USPTO EIC# HG 3751.C32, 1998). This text book is for credit risk in financial markets, and explains "Chapter 9 -Introduction to Credit risk models", techniques (Econometric techniques, Neural network, Optimization model, etc., "Chapter 20 -Credit Derivatives" to trade

Art Unit: 3628

credit risk and finding counter-party that will assume the risk, "Chapter 21 - Credit risk of Derivatives" (swaps, calculation of exposure, currency swap, etc.), "Chapter 22 - Country risk Models", etc.

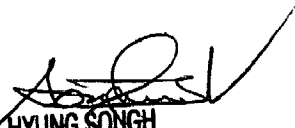
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harish T Dass whose telephone number is 571-272-6793. The examiner can normally be reached on 8:00 AM to 4:50 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S Souh can be reached on 571-272-6799. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Harish T Dass
Examiner
Art Unit 3628

4/19/05


HYUNG SOUH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600



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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/329,172 | 12/23/2002 | Jeff Scott Eder | VM-50 | 1664 |

53787 7590 12/02/2005

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EXAMINER

DASS, HARISH T

| | |
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| ART UNIT | PAPER NUMBER |
|----------|--------------|

3628

DATE MAILED: 12/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/329,172

Applicant(s)

EDER, JEFF SCOTT

Examiner

Harish T. Dass

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 42-54,56-58,60-77,79-81 and 83-85 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 42-54,56-58,60-77,79-81 and 83-85 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/7/05, 8/24/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/29/2005 has been entered.

DETAILED ACTION

- Claims 1 - 41 were previously canceled.
- Claims 55, 59, 78 and 82 are canceled.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 71-74 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Specifically claim 71 lines 5-6 "where the optimal set of risk

Art Unit: 3628

transfer transactions is the set that minimizes the value impact of retained risks within the constraints on risk transfer imposed by the capital available for risk transfer purchases".

Claims 81 & 83 are rejected are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The rejected claims cover every conceivable product. Provide clarity and sections, pages which enable the examiner to clearly evaluate the claims.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 81 & 83 are rejected are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The rejected claims do not recite any elements of the claimed product. Thus, they do not clearly set forth metes and bounds of the claimed product.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3628

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 71 is rejected under 35 U.S.C. 103(a) as being unpatentable over Garman (US 5,819,237) in view of SPAN MARGINING SYSTEM, Chicago Board of Trade (CBOT), July 1, 1991 (hereinafter - PC-SPAN.)

Re. Claim 71, Garman discloses obtaining value impact and risk data by element of value and market value factor for each of a plurality of customers [C 1 L6 to C4 L54; **C5 L12-13, L27-L45**; C11 L57-L61; C3 L60 to C4 L5; C11 L15-L21; C11 L33-L40 – see retrieve =obtain and receive],

analyzing said data to identify an optimal set of risk transfer transactions for each customer [Abstract; C1 L66 to C2 L24], and optionally implementing an optimal set of risk transfer transactions for one or more customers where transactions are selected from the group consisting of insurance policy transactions, swaps, derivative transactions and combinations thereof [abstract; Figure 2 (#116); C3 L32-L58; C10 L57 to C11 L21]. Garman does not explicitly disclose where the optimal set of risk transfer transactions is the set that minimizes the value impact of retained risks within the constraints on risk transfer imposed by the capital available for risk transfer purchases, and under a scenario selected from the group consisting of normal, extreme and combination thereof. However, it is known that the optimization analysis is expressed in relevant trade-offs and constraints as an objective mathematical function to be

Art Unit: 3628

maximized or minimized and in business the objective is to minimize the risk of loss and maximize the income/profit. PC-SPAN discloses under a scenario selected from the group consisting of normal, extreme and combination thereof [PC-SPAN - see entire document particularly pages 3/72 and 12-14/72 - see extreme move is set at several times the normal range and extreme futures price move in Lines 15 and 16] to calculate new risks for an option or futures contract reacts to various scenarios of changing market conditions. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Garman to calculate the relative trade-off shifting the risk by changing constraints to reduce the losses and determine contract () risk under a scenario selected from the group consisting of normal, extreme, as disclosed by PC-SPAN, to examine the risk under different scenarios.

Claims 72-74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garman (US 5,819,237) in view PC-SPAN, as applies to claim 71, and further in view of King et al (hereinafter King – US 5,704,045).

Re. Claims 72-73, Neither Garman nor PC-SPAN explicitly discloses where the elements of value are selected from the group consisting of interest rates. However, However, King discloses these well-known steps as assets [Abstract; C3 L12-L17; C4 L58 to C5 L21], where these assets are usually reflected on corporations' financial

Art Unit: 3628

statements. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine the disclosures of Garman, and King and include the list of assets from financial statement to provide detail breakdown of assets and their values for better understanding of each asset and their values.

Re. Claim 74, Neither Garman nor PC-SPAN explicitly discloses where risks are selected from groups consisting of event risks, contingent liabilities, volatility risks and combinations thereof. However, King discloses this feature [C9 L6-L13; C9 L42-L45; C3 L4-L7; C6 L38 to C7 L6; C19 L12-L28; C26 L33-L57] to transfer investment risks. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Garman and PC-SPAN and include risks are selected from groups consisting of event risks, contingent liabilities, volatility risks and combinations thereof, as disclosed by King, for transferring difficult to place risks.

Claims 42-43, 45-54, 56-58, 60-70, and 84 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garman (US 5,819,237) in view of King et al (hereinafter King – US 5,704,045) and Epstein (US 6795811).

Re. Claim 42, Garman discloses obtaining quantified risk data for a plurality of customers [Garman - See entire document particularly, Abstract; Figure 2; C 1 L6 to C4

Art Unit: 3628

L54; C5 L27-L45; C11 L57-L61] and analyzing the quantified customer risk data to identify one or more swap transactions between customers that will reduce their risk [Garman Abstract; C1 L66 to C2 L24]. Garman does not explicitly disclose where the quantified risks are selected from the group consisting of event risks, contingent liabilities, volatility risks and combinations thereof and optionally completing one or more of the identified transactions in an automated fashion. However, King discloses where the quantified risks are selected from the group consisting of event risks, contingent liabilities, volatility risks and combinations thereof [King - C9 L6-L13; C9 L42-L45; C3 L4-L7; C6 L38 to C7 L6; C19 L12-L28; C26 L33-L57] to transfer a single unique risk of large corporation (entity), and Epstein discloses optionally completing one or more of the identified transactions in an automated fashion [Epstein - Abstract; C1 L31-L42; C2 L37-L48] to immediately accept best investment available at the end of predetermine period. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine the disclosure of Garman, King and Epstein to provide automatic quantified risk analyses, transfer and accepting of a unique risk of an entity to avoid losses.

Re. Claims 43 and 47, King further discloses where the customers are enterprises, multi company corporations or value chains, and where the quantified risk data identifies risk by category of value where the categories of value are selected from the group consisting of current operation, real options [C9 L6-L13; C9 L42-L45; C3 L4-L7; C6 L38 to C7 L6; C19 L12-L28; C26 L33-L57], to transfer a single unique risk of large

Art Unit: 3628

corporation (entity)]. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine the disclosure of Garman, King and Epstein to provide automatic quantified risk analyses, transfer and accepting of a unique risk of an entity to avoid losses.

Re. Claim 45, Garman discloses where a swap transaction exchanges risk associated with one or more elements of value, risk associated with one or more market value factors and combinations thereof ($\Sigma\Gamma$) [Garman - C9 L27-L39].

Re. Claim 46 Garman discloses assets. Garman does not explicitly disclose where the elements of value are selected from the group consisting of alliances, brands, channels, customers, customer relationships, employees, equipment, intellectual property, partnerships, processes, production equipment, supply chains, vendors, vendor relationships and combinations thereof and market value factors are selected from the group consisting of commodity prices, inflation rate, gross domestic product, volatility, interest rates, insider trading, consumer confidence, organization performance against expectations, the unemployment rate and combinations thereof. However, King discloses these well-known steps as assets [Abstract; C3 L12-L17; C4 L58 to C5 L21], where these assets are usually reflected on corporations' financial statements. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine the disclosures of Garman, King and Epstein and include the list of

Art Unit: 3628

assets from financial statement to provide detail breakdown of assets and their values for better understanding of each asset and their values.

Re. Claim 48, Garman discloses where the method further comprises: obtaining risk transfer operation regulatory requirements and performance data, generating scenarios for customer risk transfer and risk transfer operation performance using the performance data, regulatory requirements and customer risk data [Garman - C2 L35-47; C10 L18-L26], identifying and displaying the optimal mode for customer risk transfer and risk transfer operation under each scenario, and optionally implementing the optimal mode for a chosen scenario in an automated fashion [Garman - abstract; Figure 2 (#116); C3 L32-L58; C10 L57 to C11 L21].

Re. Claim 49, King further discloses where the risk transfer operation is an insurance company, risk exchange or broker [King – C1 L9-L15; C2 L30 to C3 L63] to facilitate the transfer of unique risks such as those with a high possibility of loss, where the loss could come earlier rather than later or with more severity than projected. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine the disclosures of Garman, King and Epstein to transfer a single unique risk of large corporation.

Art Unit: 3628

Re. Claim 50, Garman discloses where the scenarios are selected from the group consisting of normal, extreme and combinations thereof [Garman - C3 L60 to C4 L5; C11 L15-L21; C11 L33-L40].

Re. Claim 51, Garman discloses where an optimal operating mode for each customer is the mode that maximizes their expected value for a given level of risk within the constraints imposed by the capital they have available for risk transfer purchases [Garman - Abstract; C7 L1 to C8 L30; LC12 L57-L67].

Re. Claim 52, Garman discloses where implementing the optimal customer risk transfer includes completing transactions from the group consisting of insurance policy transactions, swap transactions, derivative transactions and combinations thereof [Garman - Abstract].

Re. Claim 53, Garman discloses where the optimal mode for the risk transfer operation is the mode that maximizes value while satisfying regulatory requirements [Garman - Abstract; C7 L1 to C8 L30; LC12 L57-L67].

Re. Claim 54, Garman discloses where implementing the optimal mode for the risk transfer operation includes taking actions selected from the group consisting of contingent capital contract changes, contingent capital contract purchases, investment duration changes, investment mix changes, product additions, product specification

Art Unit: 3628

changes, product price changes, changing reserves and combinations thereof [Garman - Abstract].

Re. Claim 56, Claim 56 has the same limitations as claims 42 and 47 therefore it is rejected on the same rational as claim 42 and 47.

Re. Claim 57, claim 57 is rejected with same rational as claim 48.

Re. Claim 58, claim 58 is rejected with same rational as claim 52.

Re. Claim 60, Garman does not explicitly disclose where the organization related data complies with a common xml schema. However, xml schema is well known and used by web pages which can include data. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Garman and add use of xml schema to allow the user to input data on web page which is similar to ordinary page and to make it easy and understandable.

Re. Claim 61, claim 61 is rejected with same rational as claim 46.

Re. Claims 62-63, Garman discloses where a value impact of each element of value and market value factor is identified as part of risk quantification [C3 L60 to C4 L5; C11 L15-L21; C11 L33-L40], and where an optimal set of transactions for each customer is the set that maximizes the value impact of the transferred risk within the constraints imposed by the customer's available capital [Abstract; C7 L1 to C8 L30; LC12 L57-L67].

Re. Claim 64, Garman discloses where each swap transaction in an optimal set of risk transfer transactions is selected from the group consisting of event risk swaps, contingent liability swaps, volatility swaps and combinations thereof [Garman - Abstract].

Re. Claim 65, claim 65 is rejected with same rational as claim 51.

Re. Claim 66, claim 66 is rejected with same rational as claim 48.

Re. Claim 67, claim 66 is rejected with same rational as claim 49.

Re. Claim 68, claim 68 is rejected with same rational as claim 50.

Re. Claim 69, claim 69 is rejected with same rational as claim 53.

Re. Claim 70, claim 70 is rejected with same rational as claim 54.

Re. Claim 84, Garman discloses obtaining quantified risk data for a plurality of customers [Garman - See entire document particularly, Abstract; Figure 2; C 1 L6 to C4 L54; C5 L12-L45; C11 L57-L61; see receive, retrieve data -- J. P. Morgan's RiskMetrics.TM. dataset, available daily and URL], and analyzing the quantified customer risk data to identify one or more transactions for swapping an element of value risk between customers that will reduce their risk [Garman Abstract; C1 L66 to C2 L24]. Garman does not explicitly disclose where the quantified risks are identified by an element of value and selected from the group consisting of event risks, continent

Art Unit: 3628

liabilities, volatility risks and combinations thereof, optionally completing one or more of the identified transactions in an automated fashion, and

where the elements of value are selected from the group consisting of alliances, brands, channels, customers, customer relationships, employees, equipment, intellectual property, partnerships, processes, production equipment, supply chains, vendors, vendor relationships and combinations thereof.

However, King discloses where the quantified risks are identified by an element of value and selected from the group consisting of event risks, contingent liabilities, volatility risks and combinations thereof [King - C9 L6-L13; C9 L42-L45; C3 L4-L7; C6 L38 to C7 L6; C19 L12-L28; C26 L33-L57], and where the elements of value are selected from the group consisting of alliances, brands, channels, customers, customer relationships, employees, equipment, intellectual property, partnerships, processes, production equipment, supply chains, vendors, vendor relationships and combinations thereof [King - Abstract; C3 L12-L17; C4 L58 to C5 L21] to transfer a single unique risk of large corporation (entity), and Epstein discloses optionally completing one or more of the identified transactions in an automated fashion [Epstein - Abstract; C1 L31-L42; C2 L37-L48] to immediately accept best investment available at the end of predetermine period. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine the disclosure of Garman, King and Epstein to provide automatic quantified risk analyses, transfer and accepting of a unique risk of an entity to avoid losses.

Art Unit: 3628

Claims 44 and 85 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garman in view of King and Epstein as applies to claims 42 & 84, further in view of PC-SPAN.

Re. Claim 44, Garman, King, or Epstein does not explicitly disclose where each of the risks are quantified under scenarios are selected from group consisting of normal, extreme and combinations thereof. However PC-SPAN discloses this feature [see entire document particularly pages 3/72 and 12-14/72 - see extreme futures price move in Lines 15 and 16, extreme move is set at several times the normal range] to calculate new risks for an option or futures contract reacts to various scenarios of changing market conditions. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosures of Garman and King and include each of the risks are quantified under scenarios are selected from group consisting of normal, extreme and combinations thereof, as disclosed by PC-SPAN, to calculate new risks for various scenarios of financial contracts such as extreme fluctuation of price.

Re. Claim 85, Garman, King or Epstein does not explicitly disclose where each of the risks are quantified under scenarios are selected from the group consisting of normal, extreme and combinations thereof. However, PC-SPAN discloses where each of the risks are quantified under scenarios are selected from the group consisting of normal, extreme and combinations thereof [PC-SPAN - see entire document particularly pages

Art Unit: 3628

3/72 and 12-14/72 - see extreme move is set at several times the normal range and extreme futures price move in Lines 15 and 16] to calculate new risks for an option or futures contract reacts to various scenarios of changing market conditions. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Garman, King or Epstein and include risks are quantified under scenarios are selected from the group consisting of normal, extreme and combinations thereof as disclosed by PC-SPAN, to calculate new risks for various scenarios of financial contracts as disclosed by PC-SPAN, to calculate new risks for various scenarios of financial contracts such as extreme fluctuation of price.

Claims 75-77, and 79-80 and are rejected under 35 U.S.C. 103(a) as being unpatentable over Garman in view of King.

Re. Claims 75-76, Garman discloses management systems for a plurality of customers, means for accessing and storing data from said management systems [figure 2; C14 L20-L25; C5 L1-L10]; C11 L57-L61], means for obtaining and storing risk transfer operation regulatory requirements and performance data, means for generating scenarios for customer risk transfer requirements and risk transfer operation performance using the performance data, regulatory requirements and customer data [C2 L35-47; C10 L18-L26]; and means for identifying, displaying and optionally implementing the optimal mode for risk transfer operation [abstract; Figure 2 (#116); C3 L32-L58; C10 L57 to C11 L21]. Garman does not explicitly disclose where the customer

Art Unit: 3628

risks are selected from the group consisting of event risks, contingent liabilities, volatility risks and combinations thereof, and where management systems are selected from the group consisting of advanced financial systems, basic financial systems, web site management systems, alliance management systems, brand management systems, customer relationship management systems, channel management systems, intellectual property management systems, process management systems, vendor management systems, operation management systems, sales management systems, human resource systems, accounts receivable systems, accounts payable systems, capital asset systems, inventory systems, invoicing systems, payroll systems, enterprise resource planning systems (ERP), material requirement planning systems (MRP), scheduling systems, quality control systems, purchasing systems, risk management systems, the Internet, external databases, user input and combinations thereof.

However, King discloses these steps [King - C9 L6-L13; C9 L42-L45; C3 L4-L7; C6 L38 to C7 L6; C19 L12-L28; C26 L33-L57] to transfer a single unique risk of large corporation (entity). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine the disclosure of Garman, and King to provide quantified risk analyses, and transfer of risk a unique risk such as: event risks, contingent liabilities, or volatility risks of an entity to avoid, minimize or reduce losses.

Re. Claim 77, Garman discloses where the value impact of each element of value and market value factor is identified as part of scenario development [C2 L35-47; C10 L18-L26; C3 L60 to C4 L5; C11 L15-L21; C11 L33-L40].

Re. Claims 79-80, Garman discloses where implementing the optimal mode further comprises completing actions selected from. the group consisting of contingent capital contract changes, contingent capital contract purchases, investment duration changes, investment mix changes, product additions, product specification changes, product price changes, reserve changes, implementing an optimal set of risk transfer transactions for each customer and combinations thereof and where customer risk transfer transactions are insurance policy transactions, swaps, derivative purchases and combinations thereof [Garman - Abstract].

Response to Arguments

In response to applicant argument that Examiner's personal knowledge is questioned in area of XML. Examiner has attached copies of documents which were scanned during the prosecution of the file.

The following are NPL documents:

Extensive Markup Language, W3C Architecture domain,

<http://webarchive.org/web/19990429215453/www.w3.org/XML>

QL'98 – The Query Languages Workshop, W3C Architecture domain, April 28, 1999, <http://webarchive.org/web/20010424030139/www.w3.org/TandS/QL/QL98/>

David Maier, Database Desiderata for an XML, Department of computer Science and Engineering, Oregon Graduate Institute, h

Art Unit: 3628

<http://webarchive.org/web/20010329230057/www.w3.org/TandS/QL/QL98/pp/maier.html>.

Jennifer Widom, 1999, Data Management for XML: Research Directions,
Stanford University

Charles F. Goldfarb et al, XML Hand Book, 1998, ISBN 0-13-081152-1 (USPTO
EIC Library No. QA 76.76.H92 G65 1998 & barcode 3 0402 00 00165 1423)

In response to applicant argument that combination of references fails to
establish a prima facie case of obviousness.

obviousness is not determined on the basis of the evidence as a whole and the
relative persuasiveness of the arguments. See *In re Oetiker*, 977 F. 2d 1443, 1445, 24
USPQ2d 1443, 1444 (Fed. Cir. 1992); *In re Hedges*, 783 F.2d 1038, 1039, 228 USPQ*
685, 686 (Fed. Cir. 1992); *In re Piaseckii*, 745 F.2d 1468, 1472, 223 USPQ 785, 788
(Fed. Cir. 1984); *In re Rinehart*, 531 F.2d 1048, 1052, 189 USPQ 143, 147 (CCPA
1976). Using this standard, the Examiner respectfully submits that he has at least
satisfied the burden of presenting a prima facie case of obviousness, since he has
presented evidence of corresponding claim elements in the prior art and has expressly
articulated the combinations and the motivations for combinations that fairly suggest
Applicant's claimed invention (see paper no. 20050419). Note, for example, in the
instant case, the Examiner respectfully notes that each and every motivation to combine
the applied references are accompanied by select portions of the respective
reference(s) which specially support that particular motivation and /or an explanation
based on the logic and scientific reasoning of one ordinarily skilled in the art at the time

Art Unit: 3628

of the invention that support a holding of obviousness. As such, it is not seen that the Examiner's combination of references is unsupported by the applied prior art of record. Rather, it is respectfully submitted that explanation based on the logic and scientific reasoning of one of ordinary skilled in the art at the time of the invention that support a holding of obviousness has been adequately provided by the motivations and reasons indicated by the Examiner, Ex pane Levengood, 28 USPQ2d 1300(Bd. Pat. App &.,4/293 Therefore the combination of reference is proper and the rejection is maintained.

In response to applicant argument that King teaches away from a combination with any other reference. Applicant's argument is not persuasive. King discloses a system, it may not be enforceable, but disclosure of Kings shows an initiative, even unenforceable (Example, crossing US border illegally is against the US laws but large number of Mexicans (other nationalities) think how to cross the border.)

In response to applicant argument regarding rejections of claims 71-74 and claims 81-82 under first paragraph of 35 U.S.C. 112 and claims 81-82 under second paragraph of 35 U.S.C. 112. Applicant did not provided any references from the original specification (page number and lines) to help the examiner review the limitations in view of specification.

In response to applicant OBJECTION, Applicant's objection is not persuasive, because Applicant has to read the entire documents in case examiner missed a correct page or line numbers. Examiner tries his best to includes page numbers and lines to

Art Unit: 3628

help Applicant to locate at least one passage of the prior art and limitation where could be found with broadest interpretation.

For example limitations of claim 42, obtaining quantified risk data for a plurality of customers see Garman's Col. 5 lines 12-13 "The computer 110 interface with the database 120 on a mass storage device in a conventional manner, to store and retrieve data (obtain data)"; lines 27-45 "to communicate with remote other computer system, and receive (obtain) from at least one such computer (plurality of computers or customers) 165 a computer readable dataset (quantifiable) comprising a covariance matrix 170 for selected ones of the types of financial instruments 135 stored in the database 120" ... "RiskMetrics.TM. dataset, available daily on the World Wide Web" and URL. Lines 49-50 "Dealing with VaR on a real-time basis is a serious issue for most trading institutions. The typical financial institution may have tens of thousands of financial contracts (contracts =obvious representation of plurality of customers)".

analyzing the quantified customer risk data to identify one or more swap transactions between customers that will reduce their risk see Garman's Abstract line 1 "A system, method, and product determines (analyzes) the incremental impact of any number of candidates trades" and line 5 "The method includes determining (analyzing) the VaR measure for the trading portfolio", line 14 "The software product employs this method in a financial analysis application in an optimized implementation". See Col. 1 lines 66-67 "For example, a financial instrument known as a "currency swap" may consist of the promise to pay certain amounts", Col. 2 lines 7-9 "To measure the market risk of the swap (analyze quantifiable risk), the market *risk* of a benchmark set of

Art Unit: 3628

cashflows is determined", and lines 12-14 "The **risks** here are determined in part by the variances and covariances of all these quantities at the selected tenors."

quantified risks are selected from the group consisting of event risks, contingent liabilities, volatility risks and combinations thereof . See King's Col. 2 lines 20-30 "parties transfer risk to those accepting it, in effect matching risk to capital. Under this system parties transfer or accept risks which are easily quantified in comparatively small units, such as through futures and options contracts." (quantified risks); Col. 2 lines 49-53 "unique risk, such as catastrophe futures contracts" (event risks); Col. 1 lines 51-54 "These insurances operate on the premise that premiums cover claims (contingent liabilities)" And Col. 20 lines 60-67 "quantify the amount of liability of the insurer-entity to various external parties and shareholders" (contingent liabilities); Col. 18 lines 43-63 "property catastrophe futures contracts. The latter may involve a substantial amount of volatility, requires a thorough knowledge of the risks of taking futures positions and is not as appropriately matched for natural hedging purposes." (volatility risks). King further discloses obtaining information regarding transfer of risk [C9 L39-L50; C17 L64-L67].

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harish T. Dass whose telephone number is 571-272-6793. The examiner can normally be reached on 8:00 AM to 4:50 PM.

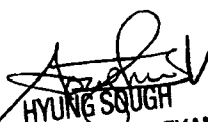
Art Unit: 3628

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on 571-272-6799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Harish T Dass
Examiner
Art Unit 3628

11/23/05


HYUNG SOUGH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

| | | | |
|------------------------------|-----------------|------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/329,172 | EDER, JEFF SCOTT | |
| | Examiner | Art Unit | |
| | Harish T. Dass | 3628 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 42-54,56-58,60-77,79,80 and 84-88 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 42-54,56-58,60-77,79,80 and 84-88 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>IDS 8/24/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

- Claims 1 - 41 were previously canceled.
- Claims 55, 59, 78 and 82 are canceled.
- Claims 81-83 are canceled.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 71-74 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Specifically claim 71 lines 5-6 "where the optimal set of risk transfer transactions is the set that minimizes the value impact of retained risks within the constraints on risk transfer imposed by the capital available for risk transfer purchases".

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a

Art Unit: 3628

person having ordinary skill in the art to which said subject matter pertains.
Patentability shall not be negated by the manner in which the invention was made.

Claim 71 is rejected under 35 U.S.C. 103(a) as being unpatentable over Garman (US 5,819,237) in view of SPAN MARGINING SYSTEM, Chicago Board of Trade (CBOT), July 1, 1991 (hereinafter - PC-SPAN.)

Re. Claim 71, Garman discloses obtaining value impact and risk data by element of value and market value factor for each of a plurality of customers [C 1 L6 to C4 L54; C5 L12-13, L27-L45; C11 L57-L61; C3 L60 to C4 L5; C11 L15-L21; C11 L33-L40 – see retrieve =obtain and receive],

analyzing said data to identify an optimal set of risk transfer transactions for each customer [Abstract; C1 L66 to C2 L24], and optionally implementing an optimal set of risk transfer transactions for one or more customers where transactions are selected from the group consisting of insurance policy transactions, swaps, derivative transactions and combinations thereof [abstract; Figure 2 (#116); C3 L32-L58; C10 L57 to C11 L21]. Garman does not explicitly disclose where the optimal set of risk transfer transactions is the set that minimizes the value impact of retained risks within the constraints on risk transfer imposed by the capital available for risk transfer purchases, and under a scenario selected from the group consisting of normal, extreme and combination thereof. However, it is known that the optimization analysis is expressed in relevant trade-offs and constraints as an objective mathematical function to be maximized or minimized and in business the objective is to minimize the risk of loss and maximize the income/profit. PC-SPAN discloses under a scenario selected from the

group consisting of normal, extreme and combination thereof [PC-SPAN - see entire document particularly pages 3/72 and 12-14/72 - see extreme move is set at several times the normal range and extreme futures price move in Lines 15 and 16] to calculate new risks for an option or futures contract reacts to various scenarios of changing market conditions. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Garman to calculate the relative trade-off shifting the risk by changing constraints to reduce the losses and determine contract () risk under a scenario selected from the group consisting of normal, extreme, as disclosed by PC-SPAN, to examine the risk under different scenarios.

Claims 72-74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garman (US 5,819,237) in view PC-SPAN, as applies to claim 71, and further in view of King et al (hereinafter King – US 5,704,045).

Re. Claims 72-73, Neither Garman nor PC-SPAN explicitly discloses where the elements of value are selected from the group consisting of interest rates. However, However, King discloses these well-known steps as assets [Abstract; C3 L12-L17; C4 L58 to C5 L21], where these assets are usually reflected on corporations' financial statements. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine the disclosures of Garman, and King and

include the list of assets from financial statement to provide detail breakdown of assets and their values for better understanding of each asset and their values.

Re. Claim 74, Neither Garman nor PC-SPAN explicitly discloses where risks are selected from groups consisting of event risks, contingent liabilities, volatility risks and combinations thereof. However, King discloses this feature [C9 L6-L13; C9 L42-L45; C3 L4-L7; C6 L38 to C7 L6; C19 L12-L28; C26 L33-L57] to transfer investment risks. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Garman and PC-SPAN and include risks are selected from groups consisting of event risks, contingent liabilities, volatility risks and combinations thereof, as disclosed by King, for transferring difficult to place risks.

Claims 42-43, 45-54, 56-58, 60-70, and 84 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garman (US 5,819,237) in view of King et al (hereinafter King – US 5,704,045) and Epstein (US 6,795,811).

Re. Claim 42, Garman discloses obtaining quantified risk data for a plurality of customers [Garman - See entire document particularly, Abstract; Figure 2; C 1 L6 to C4 L54; C5 L27-L45; C11 L57-L61] and analyzing the quantified customer risk data to identify one or more swap transactions between customers that will reduce their risk

Art Unit: 3628

[Garman Abstract; C1 L66 to C2 L24]. Garman does not explicitly disclose where the quantified risks are selected from the group consisting of event risks, contingent liabilities, volatility risks and combinations thereof and optionally completing one or more of the identified transactions in an automated fashion. However, King discloses where the quantified risks are selected from the group consisting of event risks, contingent liabilities, volatility risks and combinations thereof [King - C9 L6-L13; C9 L42-L45; C3 L4-L7; C6 L38 to C7 L6; C19 L12-L28; C26 L33-L57] to transfer a single unique risk of large corporation (entity), and Epstein discloses optionally completing one or more of the identified transactions in an automated fashion [Epstein - Abstract; C1 L31-L42; C2 L37-L48] to immediately accept best investment available at the end of predetermine period. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine the disclosure of Garman, King and Epstein to provide automatic quantified risk analyses, transfer and accepting of a unique risk of an entity to avoid losses.

Re. Claims 43 and 47, King further discloses where the customers are enterprises, multi company corporations or value chains, and where the quantified risk data identifies risk by category of value where the categories of value are selected from the group consisting of current operation, real options [C9 L6-L13; C9 L42-L45; C3 L4-L7; C6 L38 to C7 L6; C19 L12-L28; C26 L33-L57], to transfer a single unique risk of large corporation (entity)]. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine the disclosure of Garman, King and

Epstein to provide automatic quantified risk analyses, transfer and accepting of a unique risk of an entity to avoid losses.

Re. Claim 45, Garman discloses where a swap transaction exchanges risk associated with one or more elements of value, risk associated with one or more market value factors and combinations thereof ($\Sigma\Gamma$) [Garman - C9 L27-L39].

Re. Claim 46 Garman discloses assets. Garman does not explicitly disclose where the elements of value are selected from the group consisting of alliances, brands, channels, customers, customer relationships, employees, equipment, intellectual property, partnerships, processes, production equipment, supply chains, vendors, vendor relationships and combinations thereof and market value factors are selected from the group consisting of commodity prices, inflation rate, gross domestic product, volatility, interest rates, insider trading, consumer confidence, organization performance against expectations, the unemployment rate and combinations thereof. However, King discloses these well-known steps as assets [Abstract; C3 L12-L17; C4 L58 to C5 L21], where these assets are usually reflected on corporations' financial statements. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine the disclosures of Garman, King and Epstein and include the list of assets from financial statement to provide detail breakdown of assets and their values for better understanding of each asset and their values.

Art Unit: 3628

Re. Claim 48, Garman discloses where the method further comprises: obtaining risk transfer operation regulatory requirements and performance data, generating scenarios for customer risk transfer and risk transfer operation performance using the performance data, regulatory requirements and customer risk data [Garman - C2 L35-47; C10 L18-L26], identifying and displaying the optimal mode for customer risk transfer and risk transfer operation under each scenario, and optionally implementing the optimal mode for a chosen scenario in an automated fashion [Garman - abstract; Figure 2 (#116); C3 L32-L58; C10 L57 to C11 L21].

Re. Claim 49, King further discloses where the risk transfer operation is an insurance company, risk exchange or broker [King – C1 L9-L15; C2 L30 to C3 L63] to facilitate the transfer of unique risks such as those with a high possibility of loss, where the loss could come earlier rather than later or with more severity than projected. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine the disclosures of Garman, King and Epstein to transfer a single unique risk of large corporation.

Re. Claim 50, Garman discloses where the scenarios are selected from the group consisting of normal, extreme and combinations thereof [Garman - C3 L60 to C4 L5; C11 L15-L21; C11 L33-L40].

Re. Claim 51, Garman discloses where an optimal operating mode for each customer is the mode that maximizes their expected value for a given level of risk within the constraints imposed by the capital they have available for risk transfer purchases [Garman - Abstract; C7 L1 to C8 L30; LC12 L57-L67].

Re. Claim 52, Garman discloses where implementing the optimal customer risk transfer includes completing transactions from the group consisting of insurance policy transactions, swap transactions, derivative transactions and combinations thereof [Garman - Abstract].

Re. Claim 53, Garman discloses where the optimal mode for the risk transfer operation is the mode that maximizes value while satisfying regulatory requirements [Garman - Abstract; C7 L1 to C8 L30; LC12 L57-L67].

Re. Claim 54, Garman discloses where implementing the optimal mode for the risk transfer operation includes taking actions selected from the group consisting of contingent capital contract changes, contingent capital contract purchases, investment duration changes, investment mix changes, product additions, product specification changes, product price changes, changing reserves and combinations thereof [Garman - Abstract].

Art Unit: 3628

Re. Claim 56, Claim 56 has the same limitations as claims 42 and 47 therefore it is rejected on the same rational as claim 42 and 47.

Re. Claim 57, claim 57 is rejected with same rational as claim 48.

Re. Claim 58, claim 58 is rejected with same rational as claim 52.

Re. Claim 60, Garman does not explicitly disclose where the organization related data complies with a common xml schema. However, xml schema is well known and used by web pages which can include data. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Garman and add use of xml schema to allow the user to input data on web page which is similar to ordinary page and to make it easy and understandable.

Re. Claim 61, claim 61 is rejected with same rational as claim 46.

Re. Claims 62-63, Garman discloses where a value impact of each element of value and market value factor is identified as part of risk quantification [C3 L60 to C4 L5; C11 L15-L21; C11 L33-L40], and where an optimal set of transactions for each customer is the set that maximizes the value impact of the transferred risk within the constraints imposed by the customer's available capital [Abstract; C7 L1 to C8 L30; LC12 L57-L67].

Re. Claim 64, Garman discloses where each swap transaction in an optimal set of risk transfer transactions is selected from the group consisting of event risk swaps,

contingent liability swaps, volatility swaps and combinations thereof [Garman - Abstract].

Re. Claim 65, claim 65 is rejected with same rational as claim 51.

Re. Claim 66, claim 66 is rejected with same rational as claim 48.

Re. Claim 67, claim 66 is rejected with same rational as claim 49.

Re. Claim 68, claim 68 is rejected with same rational as claim 50.

Re. Claim 69, claim 69 is rejected with same rational as claim 53.

Re. Claim 70, claim 70 is rejected with same rational as claim 54.

Re. Claim 84, Garman discloses obtaining quantified risk data for a plurality of customers [Garman - See entire document particularly, Abstract; Figure 2; C 1 L6 to C4 L54; C5 L12-L45; C11 L57-L61; see receive, retrieve data -- J. P. Morgan's RiskMetrics.TM. dataset, available daily and URL], and analyzing the quantified customer risk data to identify one or more transactions for swapping an element of value risk between customers that will reduce their risk [Garman Abstract; C1 L66 to C2 L24]. Garman does not explicitly disclose where the quantified risks are identified by an element of value and selected from the group consisting of event risks, continent liabilities, volatility risks and combinations thereof, optionally completing one or more of the identified transactions in an automated fashion, and

where the elements of value are selected from the group consisting of alliances, brands, channels, customers, customer relationships, employees, equipment,

intellectual property, partnerships, processes, production equipment, supply chains, vendors, vendor relationships and combinations thereof.

However, King discloses where the quantified risks are identified by an element of value and selected from the group consisting of event risks, contingent liabilities, volatility risks and combinations thereof [King - C9 L6-L13; C9 L42-L45; C3 L4-L7; C6 L38 to C7 L6; C19 L12-L28; C26 L33-L57], and where the elements of value are selected from the group consisting of alliances, brands, channels, customers, customer relationships, employees, equipment, intellectual property, partnerships, processes, production equipment, supply chains, vendors, vendor relationships and combinations thereof [King - Abstract; C3 L12-L17; C4 L58 to C5 L21] to transfer a single unique risk of large corporation (entity), and Epstein discloses optionally completing one or more of the identified transactions in an automated fashion [Epstein - Abstract; C1 L31-L42; C2 L37-L48] to immediately accept best investment available at the end of predetermine period. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine the disclosure of Garman, King and Epstein to provide automatic quantified risk analyses, transfer and accepting of a unique risk of an entity to avoid losses.

Claims 44 and 85 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garman in view of King and Epstein as applies to claims 42 & 84, further in view of PC-SPAN.

Re. Claim 44, Garman, King, or Epstein does not explicitly disclose where each of the risks are quantified under scenarios are selected from group consisting of normal, extreme and combinations thereof. However PC-SPAN discloses this feature [see entire document particularly pages 3/72 and 12-14/72 - see extreme futures price move in Lines 15 and 16, extreme move is set at several times the normal range] to calculate new risks for an option or futures contract reacts to various scenarios of changing market conditions. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosures of Garman and King and include each of the risks are quantified under scenarios are selected from group consisting of normal, extreme and combinations thereof, as disclosed by PC-SPAN, to calculate new risks for various scenarios of financial contracts such as extreme fluctuation of price.

Re. Claim 85, Garman, King or Epstein does not explicitly disclose where each of the risks are quantified under scenarios are selected from the group consisting of normal, extreme and combinations thereof. However, PC-SPAN discloses where each of the risks are quantified under scenarios are selected from the group consisting of normal, extreme and combinations thereof [PC-SPAN - see entire document particularly pages 3/72 and 12-14/72 - see extreme move is set at several times the normal range and extreme futures price move in Lines 15 and 16] to calculate new risks for an option or futures contract reacts to various scenarios of changing market conditions. It would have been obvious at the time the invention was made to a person having ordinary skill

Art Unit: 3628

in the art to modify the disclosure of Garman, King or Epstein and include risks are quantified under scenarios are selected from the group consisting of normal, extreme and combinations thereof as disclosed by PC-SPAN, to calculate new risks for various scenarios of financial contracts as disclosed by PC-SPAN, to calculate new risks for various scenarios of financial contracts such as extreme fluctuation of price.

Claims 75-77, and 79-80 and are rejected under 35 U.S.C. 103(a) as being unpatentable over Garman in view of King.

Re. Claims 75-76, Garman discloses management systems for a plurality of customers, means for accessing and storing data from said management systems [figure 2; C14 L20-L25; C5 L1-L10]; C11 L57-L61], means for obtaining and storing risk transfer operation regulatory requirements and performance data, means for generating scenarios for customer risk transfer requirements and risk transfer operation performance using the performance data, regulatory requirements and customer data [C2 L35-47; C10 L18-L26]; and means for identifying, displaying and optionally implementing the optimal mode for risk transfer operation [abstract; Figure 2 (#116); C3 L32-L58; C10 L57 to C11 L21]. Garman does not explicitly disclose where the customer risks are selected from the group consisting of event risks, contingent liabilities, volatility risks and combinations thereof, and where management systems are selected from the group consisting of advanced financial systems, basic financial systems, web site management systems, alliance management systems, brand management systems,

Art Unit: 3628

customer relationship management systems, channel management systems, intellectual property management systems, process management systems, vendor management systems, operation management systems, sales management systems, human resource systems, accounts receivable systems, accounts payable systems, capital asset systems, inventory systems, invoicing systems, payroll systems, enterprise resource planning systems (ERP), material requirement planning systems (MRP), scheduling systems, quality control systems, purchasing systems, risk management systems, the Internet, external databases, user input and combinations thereof.

However, King discloses these steps [King - C9 L6-L13; C9 L42-L45; C3 L4-L7; C6 L38 to C7 L6; C19 L12-L28; C26 L33-L57] to transfer a single unique risk of large corporation (entity). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine the disclosure of Garman, and King to provide quantified risk analyses, and transfer of risk a unique risk such as: event risks, contingent liabilities, or volatility risks of an entity to avoid, minimize or reduce losses.

Re. Claim 77, Garman discloses where the value impact of each element of value and market value factor is identified as part of scenario development [C2 L35-47; C10 L18-L26; C3 L60 to C4 L5; C11 L15-L21; C11 L33-L40].

Re. Claims 79-80, Garman discloses where implementing the optimal mode further comprises completing actions selected from the group consisting of contingent capital contract changes, contingent capital contract purchases, investment duration changes,

investment mix changes, product additions, product specification changes, product price changes, reserve changes, implementing an optimal set of risk transfer transactions for each customer and combinations thereof and where customer risk transfer transactions are insurance policy transactions, swaps, derivative purchases and combinations thereof [Garman - Abstract].

Claim 86-87 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garman in view of King et al (hereinafter King – US 5,704,045).

Re. Claim 86, Garman discloses networked computers each with a processor having circuitry to execute instructions: a storage device available to each processor with sequences of instructions stored therein, which when executed cause the processors to [col. 4 line 65 to col. 5 line 43; col. 11 lines 23-28]; obtaining a plurality of risk transfer operation regulatory requirements, a plurality of risk transfer operation performance data and a set of quantified value impact and risk data for a plurality of customers [C 1 L6 to C4 L54; C5 L12-13, L27-L45; C11 L57-L61; C3 L60 to C4 L5; C11 L15-L21; C11 L33-L40 – see retrieve =obtain and receive], generating a plurality of scenarios for customer risk transfer and risk transfer operation performance using the performance data, regulatory requirements and customer data [C2 L35-47; C10 L18-L26]; identifying and displaying an optimal mode for customer risk transfer and risk transfer operation under each scenario, and optionally implementing the optimal mode for a chosen scenario in an automated fashion [Figure 2 (#116); C3 L32-L58; C10 L57 to C11 L21]. Garman does

Art Unit: 3628

not explicitly disclose where the quantified risks are event risks and risks selected from the group consisting of contingent liabilities, volatility risks and combinations thereof. However, King discloses this feature [C9 L6-L13; C9 L42-L45; C3 L4-L7; C6 L38 to C7 L6; C19 L12-L28; C26 L33-L57] to transfer investment risks. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Garman and include risks are selected from groups consisting of event risks, contingent liabilities, volatility risks and combinations thereof, as disclosed by King, for transferring difficult to place risks.

Re. Claim 87, King further discloses wherein a risk transfer operation further comprises an insurance company, risk exchange, bank or broker [C1 L9-L15; C2 L30 to C3 L63] to facilitate the transfer of unique risks such as those with a high possibility of loss, where the loss could come earlier rather than later or with more severity than projected. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine the disclosures of Garman and King to transfer a single unique risk of large corporation.

Claim 88 is rejected under 35 U.S.C. 103(a) as being unpatentable over Garman in view of King and SPAN.

Re. Claim 88, neither Garman nor King explicitly discloses wherein a plurality of scenarios

are selected from the group consisting of normal, extreme and combinations thereof. However, PC-SPAN discloses under a scenario selected from the group consisting of normal, extreme and combination thereof [PC-SPAN - see entire document particularly pages 3/72 and 12-14/72 - see extreme move is set at several times the normal range and extreme futures price move in Lines 15 and 16] to calculate new risks for an option or futures contract reacts to various scenarios of changing market conditions. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Garman and King to calculate the relative trade-off shifting the risk by changing constraints to reduce the losses and determine contract () risk under a scenario selected from the group consisting of normal, extreme, as disclosed by PC-SPAN, to examine the risk under different scenarios.

Response to Arguments

Applicant's arguments filed 03/23/2005 have been fully considered but they are not persuasive.

In response to applicant argument that combination of references fails to establish a *prima facie* case of obviousness.

obviousness is not determined on the basis of the evidence as a whole and the relative persuasiveness of the arguments. See *In re Oetiker*, 977F. 2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992); *In re Hedges*, 783F.2d 1038, 1039, 228 USPQ* 685, 686 (Fed. Cir.1992); *In re Piaseckii*, 745 F.2d 1468, 1472, 223 USPQ 785, 788 (Fed. Cir.1984); *In re Rinehart*, 531 F.2d 1048, 1052, 189 USPQ 143, 147 (CCPA

1976). Using this standard, the Examiner respectfully submits that he has at least satisfied the burden of presenting a prima facie case of obviousness, since he has presented evidence of corresponding claim elements in the prior art and has expressly articulated the combinations and the motivations for combinations that fairly suggest Applicant's claimed invention (see paper no. 20050419). Note, for example, in the instant case, the Examiner respectfully notes that each and every motivation to combine the applied references are accompanied by select portions of the respective reference(s) which specially support that particular motivation and /or an explanation based on the logic and scientific reasoning of one ordinarily skilled in the art at the time of the invention that support a holding of obviousness. As such, it is not seen that the Examiner's combination of references is unsupported by the applied prior art of record. Rather, it is respectfully submitted that explanation based on the logic and scientific reasoning of one of ordinarily skilled in the art at the time of the invention that support a holding of obviousness has been adequately provided by the motivations and reasons indicated by the Examiner, Ex pane Levengood, 28 USPQ2d 1300(Bd. Pat. App &.,4/293 Therefore the combination of reference is proper and the rejection is maintained.

In response to applicant argument that King teaches away from a combination with any other reference. Applicant's argument is not persuasive. King is secondary reference and King discloses financial management systems and, more specifically, to data processing methodology for effecting an improved capital and security structure in an insurance or other financial enterprise, risk management techniques, risk transfer

Art Unit: 3628

and derivative securities. King does not exclude any limitation positively. In response to applicant example (claims 56-68), it should be pointed out that laws are changeable with time and consideration and well of the legislators. Kings discloses entity is modified in structure of and laws to which an entity is subject by altering the legislation of the jurisdiction under which the entity is governed and specifically does not name any jurisdiction, which means any jurisdiction which may allow altering the altering the legislation, disclosure of Kings shows an initiative, even unenforceable (Example, banks could not sell securities but the law was changed and now they sell. Crossing US borders illegally is against the US laws and violator should be send back but US legislators is thinking to modify the rule and let them stay.) Examiner is not a judge and does not judge whether a method or system is enforceable or not in a jurisdiction.

In response to applicant argument regarding rejections of claims 71-74 applicant did not provided any references from the original specification (page number and lines) to help the examiner review the limitations in view of specification.

In response to applicant OBJECTION, Applicant's objection is not persuasive, because Applicant has to read the entire documents in case examiner missed a correct page or line numbers. Examiner tries his best to includes page numbers and lines to help Applicant to locate at least one passage of the prior art and limitation where could be found with broadest interpretation.

For example limitations of claim 42, obtaining quantified risk data for a plurality of customers see Garman's Col. 5 lines 12-13 "The computer 110 interface with the database 120 on a mass storage device in a conventional manner, to store and retrieve

Art Unit: 3628

data (obtain data)"; lines 27-45 "to communicate with remote other computer system, and receive (obtain) from at least one such computer (plurality of computers or customers) 165 a computer readable dataset (quantifiable) comprising a covariance matrix 170 for selected ones of the types of financial instruments 135 stored in the database 120" ... " *RiskMetrics.TM. dataset*, available daily on the World Wide Web" and URL. Lines 49-50 "Dealing with VaR on a real-time basis is a serious issue for most trading institutions. The typical financial institution may have tens of thousands of financial contracts (contracts =obvious representation of plurality of customers)".

analyzing the quantified customer risk data to identify one or more swap transactions between customers that will reduce their risk see Garman's Abstract line 1 "A system, method, and product determines (analyzes) the incremental impact of any number of candidate trades" and line 5 "The method includes determining (analyzing) the VaR measure for the trading portfolio", line 14 "The software product employs this method in a financial analysis application in an optimized implementation". See Col. 1 lines 66-67 "For example, a financial instrument known as a "currency swap" may consist of the promise to pay certain amounts", Col. 2 lines 7-9 "To measure the market risk of the swap (analyze quantifiable risk), the market **risk** of a benchmark set of cashflows is determined", and lines 12-14 "The **risks** here are determined in part by the variances and covariances of all these quantities at the selected tenors."

quantified risks are selected from the group consisting of event risks, contingent liabilities, volatility risks and combinations thereof . See King's

Col. 2 lines 20-30 "parties transfer risk to those accepting it, in effect matching risk to capital. Under this system parties transfer or accept risks which are easily quantified in comparatively small units, such as through futures and options contracts." (quantified risks); Col. 2 lines 49-53 "unique risk, such as catastrophe futures contracts" (event risks); Col. 1 lines 51-54 "These insurances operate on the premise that premiums cover claims (contingent liabilities)" And Col. 20 lines 60-67 "quantify the amount of liability of the insurer-entity to various external parties and shareholders" (contingent liabilities); Col. 18 lines 43-63 "property catastrophe futures contracts. The latter may involve a substantial amount of volatility, requires a thorough knowledge of the risks of taking futures positions and is not as appropriately matched for natural hedging purposes." (volatility risks). King further discloses obtaining information regarding transfer of risk [C9 L39-L50; C17 L64-L67].

In response to claim 71-74, rejection under first paragraph of 35 U.S.C. 112, applicant has not provided any reference to point out which page of the specification has discloses the limitation "where the optimal set of risk transfer transactions is the set that minimizes the value impact of retained risks within the constraints on risk transfer imposed by the capital available for risk transfer purchases". Examiner has review the spec and does not find any reference for this limitation.

Conclusion

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

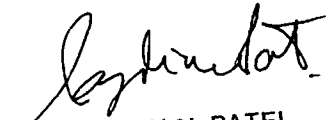
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harish T. Dass whose telephone number is 571-272-6793. The examiner can normally be reached on 8:00 AM to 4:50 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Souh can be reached on 571-272-6799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

7/10/06



JAGDISH N. PATEL
PRIMARY EXAMINER

Harish T Dass
Examiner
Art Unit 3628



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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/441,385 | 05/20/2003 | Jeff Scott Eder | VM-53 | 6229 |

29051 7590 12/16/2003

JEFF EDER
19108 30TH DRIVE SE
MILL CREEK, WA 98012

EXAMINER

GRAHAM, CLEMENT B

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

3628

DATE MAILED: 12/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/441,385

Applicant(s)

EDER, JEFF SCOTT

Examiner

Clement B Graham

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 20 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-75 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-75 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4 . 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-75 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The basis of this rejection is set forth in a two prong test of:

- (1) whether the invention is within the technological arts; and
- (2) whether the invention produces a useful, concrete and tangible result.

For a claimed invention to be statutory, the claimed invention must be within the technological arts. Mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, use or advance the technological arts fail to promote the "progress of science and the useful arts" (i.e., the physical sciences as opposed to social sciences, for example) are found to be non-statutory subject matter. For a process claim to pass muster, the recited process must somehow apply, involve, use, or advance the technological arts. The claims merely perform mathematical calculations without the aid of any technological arts involved. In the present case, claims 1-75 do not recite any structure or functionality to suggest that a computer performs the recited claims. Thus, claims 1-75 are rejected as being directed to non-statutory subject matter.

Conclusion

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement Graham whose telephone number is (703) 305-1874. The examiner can normally be reached on Monday-Friday 7:00AM-5:00PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Hyung S. Sough can be reached on 703-308-0505. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9326 for Before Final actions and (703) 872-9327 for After Final actions.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

CG
December 15, 2003

Frinton
AU 3628



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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/441,385 | 05/20/2003 | Jeff Scott Eder | VM-53 | 6229 |
| 53787 | 7590 | 11/02/2005 | EXAMINER | |
| ASSET TRUST, INC. 2020 MALTBY ROAD SUITE 7362 BOTHELL, WA 98021 | | | GRAHAM, CLEMENT B | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3628 | |

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/441,385

Applicant(s)

EDER, JEFF SCOTT

Examiner

Clement B. Graham

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 March 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 76-150 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 76-150 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-75 has been cancelled and claims 76-150 has been added.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 76-150, are rejected under 35 U.S.C. 102(e) as being anticipated by Ranger U.S. Patent 6, 301, 584.

As per claim 76, Ranger discloses a system for valuing tangible elements of value, intangible elements of value, real options and combinations thereof for a business, comprising:

- (a) processing means for processing data;
- (b) storage means for storing data;
- (c) first means for obtaining data related to the value of the business enterprise, the business enterprise having one or more tangible or intangible elements of value contributing to the value of the business enterprise, one or more real options contributing to the value of the business and the value of the business enterprise including a revenue component, an expense component and a capital component(see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65)
- (d) second means for calculating, for each one of the tangible or intangible elements of value, a vector characterizing performance of the tangible or intangible element of value of the business enterprise(see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65)
- (e) third means for calculating the real option category of value, the revenue, expense and capital components of the value of the business enterprise;
- (f) fourth means for determining, for each one of the tangible or intangible elements of value, a percentage of the real option category contributed by the tangible or intangible

Art Unit: 3628

element of value, a percentage of the revenue component contributed by the tangible or intangible element of value, a percentage of expense component contributed by the tangible or intangible element of value and a percentage of the capital component contributed by the tangible or intangible element of value (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65) (g) fifth means for calculating a value for each of the tangible or intangible elements of value of the business enterprise based on the revenue, expense and capital components of value and the real option category of value of the business enterprise and the percentages of the revenue, expense, capital and real option category contributed by the tangible or intangible elements of value; and (h) sixth means for displaying the values. (Note abstract and see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 77, Ranger discloses wherein the said sixth means for displaying the values further comprises a paper document or an electronic display. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 78, Ranger discloses a data processing system as claimed in claim 76, wherein said second means further comprises;

(a) means for combining composite variables, transaction averages, time lagged transaction ratios, time lagged transaction trends, time lagged transaction averages, time lagged transaction data, transaction patterns, geospatial measures, relative rankings, link counts, frequencies, time periods, average time periods, cumulative time periods, rolling average time period, cumulative total values, period to period rates of change to calculate the vector. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 79, Ranger discloses wherein said third means further comprises:

(a) means for determining the discount rate to be used in real option valuation as a function of the element of value profile of the business and the real option. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

Art Unit: 3628

As per claim 80, Ranger discloses wherein said third means further comprises:

(b) means for determining the real option value using algorithms selected from the group consisting of binomial, black scholes, dynamic programming and multinomial. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 81, Ranger discloses wherein said fourth means further comprises:

(a) means for using output from a predictive model to determine the percentage of the revenue component contributed by the tangible or intangible element of value, the percentage of the expense component contributed by the tangible or intangible element of value, and the percentage of the capital component contributed by the tangible or intangible element of value. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 82, Ranger discloses wherein said fourth means further comprises:

(b) means for using output from a predictive model trained using a genetic algorithm to determine the percentage of the revenue component contributed by the tangible or intangible element of value, the percentage of the expense component contributed by the tangible or intangible element of value, and the percentage of the capital component contributed by the tangible or intangible element of value. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 83, Ranger discloses further comprising:

(i) means for using the vectors to evaluate the impact of the tangible or intangible elements of value on the value of the business enterprise. (Note abstract and see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 84, Ranger discloses further comprising:

(i) seventh means for user modification of, for each one of the tangible and intangible elements of value, selected one or ones of the value drivers that drive the value of the business enterprise; and

Art Unit: 3628

(i) eighth means for calculating a value for each of the tangible or intangible elements of value of the business enterprise based on the value of the business enterprise and the percentage of the value contributed by the tangible or intangible elements of value after user modification.

(k) ninth means for displaying the new value. (Note abstract and see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 85, Ranger discloses wherein the said ninth means for displaying the new value further comprises a paper document or an electronic display. (Note abstract and see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 86, Ranger discloses a computer readable medium having sequences of instructions stored therein, which when executed cause the processor in a computer to perform a performance information method, comprising:
aggregating enterprise related data, identifying tangible indicators of element impact on one or more aspects of enterprise financial performance using at least a portion of said data, developing solid measures of element impact on one or more aspects of enterprise financial performance using one or more of said indicators, and producing enterprise performance management information using at least one of the measures. (Note abstract and see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 87, Ranger discloses wherein the method further comprises making the enterprise performance management information available for review and use via a paper document or electronic display. (Note abstract and see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 88, Ranger discloses where an enterprise is a single product, a group of products, a division or a company. (Note abstract and see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

Art Unit: 3628

As per claim 89, Ranger discloses where data is aggregated using xml and a common schema. (Note abstract and see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 90, Ranger discloses wherein enterprise related data is aggregated from the group consisting of advanced financial systems, basic financial systems, alliance management systems, brand management systems, customer relationship management systems, channel management systems, estimating systems, intellectual property management systems, process management systems, supply chain management systems, vendor management systems, operation management systems, enterprise resource planning systems (ERP), material requirement planning systems (MRP), quality control systems, sales management systems, human resource systems, accounts receivable systems, accounts payable systems, capital asset systems, inventory systems, invoicing systems, payroll systems, purchasing systems, web site systems, the Internet, external databases, user input and combinations thereof. (Note abstract and see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 91, Ranger discloses wherein the elements are selected from the group consisting of alliances, brands, channels, customers, customer relationships, employees, intellectual property, partnerships, processes, production equipment, vendors, vendor relationships and combinations thereof. (Note abstract and see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 92, Ranger discloses where the tangible indicators of element performance are selected from the group consisting of composite variables, transaction averages, time lagged transaction ratios, time lagged transaction trends, time lagged transaction averages, time lagged transaction data, transaction patterns, geaspatial measures, relative strength rankings, link counts, frequencies, time periods, average time periods, cumulative time periods, rolling average time period, cumulative total values, period to period rates of change and combinations thereof. (Note abstract and see column

Art Unit: 3628

2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 93, Ranger discloses where a series of models is used to select tangible indicators of element impact. (Note abstract and see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 94, Ranger discloses wherein the series of models are developed in an automated fashion. (Note abstract and see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 95, Ranger discloses where the series of models further comprises predictive models to select candidates and causal models to finalize the selection. Note abstract and see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 95, Ranger discloses 96. (new) The computer readable medium of claim 95 where predictive models are selected from the group consisting of neural networks; regression models, generalized autoregressive conditional heteroskedasticity, generalized additive models; multivariate adaptive regression splines, rough-set analysis; Bayes models, support vector method, multivalent models and combinations thereof. (Note abstract and see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 97, Ranger where causal models are selected from the group consisting of Bayes, minimum message length and path analysis. (Note abstract and see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 98, Ranger discloses where the solid measures are selected from the group consisting of value drivers, mathematical equations that combine two or more value drivers, logical combinations of two or more value drivers, vectors and combinations thereof. (Note abstract and see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

Art Unit: 3628

As per claim 99, Ranger discloses where value drivers are tangible indicators that are causal to change in one or more aspects of financial performance. (Note abstract and see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 100, Ranger discloses where the choice of measures is at least in part a function of the level of interaction between elements. (Note abstract and see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 101, Ranger discloses wherein the one or more aspects of enterprise financial performance are selected from the group consisting of revenue, expense, capital change, current operation value, real option value, market sentiment value and business value. (Note abstract and see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 102, Ranger discloses wherein the performance management information is selected from the group consisting of element valuations, lists of changes that will optimize one or more aspects of enterprise financial performance, management reports and combinations thereof. (Note abstract and see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 103, Ranger discloses where the element valuations quantify the impact of an element on one or more aspects of enterprise financial performance net of any impact on other elements. (Note abstract and see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 104, Ranger discloses where calculating element valuations further comprises:

initializing and training predictive models that use concrete measures of element impact as inputs for one or more select aspects of enterprise financial performance; using the weights from the best fit predictive models to identify net relative contributions by element of value to each of the one or more select aspects of enterprise financial performance; combining the net relative contributions with the value of the select aspects of enterprise financial performance to determine a value of the element. (Note abstract and see column

Art Unit: 3628

2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 105, Ranger discloses where the predictive models are trained using a genetic algorithm. (Note abstract and see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 106, Ranger discloses where select aspects of enterprise financial performance are chosen from the group consisting of revenue, expense, capital change, market value and combinations thereof. (Note abstract and see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 107, Ranger discloses where creating lists of changes that will optimize one or more aspects of enterprise financial performance further comprises: initializing and training optimization models that use the concrete measures of element impact as inputs for one or more select aspects of enterprise financial performance; and reporting the changes identified by the models. (Note abstract and see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 108, Ranger discloses where optimization models are genetic algorithms, multi criteria optimization models or Monte Carlo simulation models. (Note abstract and see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 109, Ranger discloses where Monte Carlo simulation models are used to identify changes that will optimize one aspect of enterprise financial performance. (Note abstract and see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 110, Ranger discloses measures of element impact on enterprise financial performance that are derived from tangible indicators of element performance and support the development of useful enterprise performance management information. (Note abstract and see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

Art Unit: 3628

As per claim 111, Ranger discloses the measures of claim 110 that are confirmable. (Note abstract and see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 112, Ranger discloses that are selected from the group consisting of value drivers, composite variables, vectors and combinations thereof. (Note abstract and see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 113, Ranger discloses where value drivers are causal tangible indicators of element performance. (Note abstract and see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 114, Ranger discloses where composite variables are equations that combine one or more value drivers, logical combinations of value drivers and combinations thereof. (Note abstract and see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 115, Ranger discloses where the elements are selected from the group consisting of alliances, brands, channels, customers, customer relationships, employees, intellectual property, partnerships, processes, production equipment, vendors and vendor relationships. (Note abstract and see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 116, Ranger discloses that quantify net element impact on one or more aspects of enterprise financial performance. (Note abstract and see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 116, Ranger discloses where the one or more aspects of enterprise financial performance are selected from the group consisting of revenue, expense, capital change, current operation value, real option value, market sentiment value and business value. (Note abstract and see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 118, Ranger discloses where the enterprise performance management information is selected from the group consisting of element contributions, element

Art Unit: 3628

valuations, lists of changes that will optimize one more aspects of enterprise financial performance, management reports and combinations thereof. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 119, Ranger discloses where the tangible indicators of element performance are selected from the group consisting of composite variables, transaction ratios, transaction trends, transaction averages, time lagged transaction ratios, time lagged transaction trends, time lagged transaction averages, time lagged transaction data, patterns, geospatial measures, relative strength rankings, link counts, frequencies, time periods, average time periods, cumulative time periods, rolling average time periods, cumulative total values, period to period rates of change and combinations thereof. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 120, Ranger discloses network models that quantify a net contribution of each of one or more elements of value of an enterprise to one or more aspects of financial performance. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 121, Ranger discloses where the aspects of enterprise financial performance are selected from the group consisting of revenue, expense, capital change, current operation value, market sentiment value, market value and combinations thereof. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 122, Ranger discloses being further comprised of: input nodes, hidden nodes and output nodes with each input node representing an element value driver or an element of value, each hidden node representing the inter-relationship between each element other elements and an aspect of financial performance and each output node representing an aspect of financial performance; and relationships between said nodes, each said relationship being directional and being characterized by a degree of influence from one node to another; said degree of influence being dependent upon the impact of the element or element value driver represented by said node and its

Art Unit: 3628

interrelationship with other elements. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 123, Ranger discloses where the weights from the network models are used to quantify the net contribution of each element to each aspect of financial performance. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 124, Ranger discloses where the net contributions of each element by aspect are combined with aspect valuations to determine the value of each element. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 125, Ranger discloses supports enterprise optimization analyses. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 125, Ranger discloses where the elements are selected from the group consisting of alliances, brands, channels, customers, customer relationships, employees, intellectual property, partnerships, processes, production equipment, vendors, vendor relationships and combinations thereof. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 127, Ranger discloses where an enterprise is a single product, a group of products, a division or a company. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 128, Ranger discloses where development is completed in an automated fashion. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 129, Ranger discloses where the inputs for each element of value are composite variables or vectors. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claims 130-150, Ranger discloses a financial performance method, comprising:

integrating data from a plurality of enterprise related data sources, and

Art Unit: 3628

calculating a net relative contribution for each of one or more elements of value to each of one or more aspects of enterprise financial performance using at least a portion of said data. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

Conclusion

Response to arguments

4 Response to arguments filed 3/5/2004 has been considered but they are moot in view of new grounds of rejections.


5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B Graham whose telephone number is 703-305-1874. The examiner can normally be reached on 7am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on 703-308-0505. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for regular communications and 703-305-0040 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

CG

September 28, 2005


F. TOM
PATENT EXAMINER
Ad 3628



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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/441,385 | 05/20/2003 | Jeff Scott Eder | VM-53 | 6229 |
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| ASSET TRUST, INC. 2020 MALTBY ROAD SUITE 7362 BOTHELL, WA 98021 | | | GRAHAM, CLEMENT B | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3628 | |

DATE MAILED: 06/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/441,385

Applicant(s)

EDER, JEFF SCOTT

Examiner

Clement B. Graham

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 130-199 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 130-199 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-129 has been cancelled and claims 130-150 remained pending and claims 151-199 has been added.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 130-199, are rejected under 35 U.S.C. 102(e) as being anticipated by Ranger U.S. Patent 6, 301, 584.

As per claim 130, Ranger discloses a financial performance method, comprising: integrating data from a plurality of enterprise related data sources, and calculating a net relative contribution for each of one or more elements of value to each of one or more aspects of enterprise financial performance using at least a portion of said data where the elements of value are selected from the Group consisting of alliances, brands, Channels, customers customer relationships employees customer employee relationships intellectual property partnerships processes vendors vendor relationships and combinations thereof. (Note abstract and see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 131, Ranger discloses wherein a net relative contribution is a relative direct contribution of an element of value to an aspect of enterprise financial performance net of any contribution to one or more other elements of value. (Note abstract and see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 132, Ranger discloses wherein the method further comprises: calculating the value of each element of value using a net relative contributions, and contribution for each of one or more aspects of financial Performance, and displaying

Art Unit: 3628

the value of the elements of value using a paper document or electronic display. .(Note abstract and see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 133, Ranger discloses where the method further comprises: identifying a list of changes to the elements of value that will optimize one or more aspects of enterprise financial performance, and displaying the list of changes using a paper document or electronic display. .(Note abstract and see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 134, Ranger discloses where the integrating data is from a plurality of enterprise related data source further comprises integrating data in accordance with a common xml schema. .(Note abstract and see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 135, Ranger discloses where the common xml schema includes a data dictionary. .(Note abstract and see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 136, Ranger discloses where the data dictionary defines standard data attributes from the group consisting of account numbers, components of value, currencies, elements of value, enterprise designations, time periods, units of measure and combinations thereof. .(Note abstract and see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 137, Ranger discloses where an xml schema is defined using an xml metadata standard. .(Note abstract and see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 138, Ranger discloses where a plurality of enterprise related data sources are selected from the group consisting of advanced financial systems, basic financial systems, alliance management systems, brand management systems,

Art Unit: 3628

customer relationship management systems, channel management systems, estimating systems, intellectual property management systems, process management systems, supply chain management systems, vendor management systems, operation management systems, (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40) enterprise resource planning systems (ERP), material requirement planning systems (MRP), quality control systems, sales management systems, human resource systems, accounts receivable systems, accounts payable systems, capital asset systems, inventory systems, invoicing systems, payroll systems, purchasing systems, web site systems, the Internet, external databases, user input and combinations thereof. .(Note abstract and see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 139, Ranger discloses 139. (currently amended) The method of claim 130 wherein each of one or more where the elements of value are optionally clustered into sub-elements of value for more detailed analysis. .(Note abstract and see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 140, Ranger discloses wherein an aspect of enterprise financial performance axes selected from the group consisting of revenue, expense, capital change, current operation value, real option value, market sentiment value, market value and combinations thereof. .(Note abstract and see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 141, Ranger discloses wherein calculating a net relative contribution of each of one or more elements of value to each of one or more aspects of enterprise financial performance further comprises:
creating one or more tangible measures of element impact
using a series of models to select causal tangible indicators of element impact,
identifying a level of interaction between elements of value,

Art Unit: 3628

6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 145, Ranger discloses wherein a causal model is selected from the group consisting of Bayes, minimum message length and path analysis. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 146, Ranger discloses where the model further comprises using a genetic algorithm to train predictive models. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 146, Ranger discloses wherein one or more aspects of enterprise financial performance are selected from the group consisting of revenue, expense, capital change, market value, current operation value, real option value, market sentiment value and combinations thereof. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 148, Ranger discloses wherein a series of models are developed in an automated fashion by learning from the data. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 149, Ranger discloses wherein a list of changes to the elements of value that will optimize one or more aspects of enterprise financial performance further comprise a list of changes into one or more element of value drivers. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 150, Ranger discloses wherein an enterprise is further comprises a single product, a group of products, a division or a company. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 151, Ranger discloses an enterprise system, comprising a computer with a processor having circuitry to execute instructions; a storage device available to said processor with sequences of instructions stored therein, which when executed cause the processor to: obtain a plurality of data related to a value of a business enterprise in a format suitable for processing, the business enterprise having a plurality of elements of value contributing to a market value of the business enterprise see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40) and identify a percentage of the enterprise market value contributed by each of the elements of value by using at least some of the data to analyze enterprise financial performance with a series of models where the percentage of enterprise market value contributed by each element of value further comprise an element of value contribution to a current operation category of value and optionally a contribution to a category of value selected from the group consisting of real option, market sentiment and combinations thereof, and where a plurality of elements of value are selected from the group consisting of alliances, brands, channels, customers, customer relationships, employees, employee relationships, information, intellectual property, partnerships, processes, vendors, vendor relationships and combinations thereof. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 152, Ranger discloses wherein identifying a percentage of an enterprise market value contributed by each of a plurality of elements of value further comprises determining a discount rate for a real option valuation as a function of an element of value profile of the enterprise and the real option. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 153, Ranger discloses wherein identifying a percentage of an enterprise market value contributed by each of a plurality of elements of value further comprises using output from a predictive model that has been selected by a tournament to determine a percentage of a component of value level contributed by an element of value over a sequential period of time where the components of value are selected from

Art Unit: 3628

the group consisting of revenue, expense, capital change and combinations thereof; and where predictive models are selected from the group consisting of neural networks; regression models, generalized autoregressive conditional heteroskedasticity, generalized additive models; multivariate adaptive regression splines, rough-set analysis; Bayes models, support vector method, multivalent models and combinations thereof. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 154, Ranger discloses wherein identifying a percentage of an enterprise market value contributed by each of a plurality of elements of value further comprises creating a summary of an element of value impact on enterprise financial performance for each element of value in an automated fashion by learning from the data. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 155, Ranger discloses wherein identifying a percentage of an enterprise market value contributed by each of a plurality of elements of value further comprises creating a summary of an element of value impact on enterprise financial performance for each element of value and using said impact summaries as an input to a plurality of predictive models for each of one or more aspects of enterprise financial performance see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40) where the aspects of financial performance are selected from the group consisting of revenue, expense, capital change, cash flow, future value, value, raw material expense, manufacturing expense, service delivery expense, sales expense, support expense, other expense, change in cash, change in non-cash financial assets, current operation value, real option value, market sentiment value and combinations thereof. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 156, Ranger discloses wherein identifying a percentage of an enterprise market value contributed by each of a plurality of element of value by a category of value further comprises creating a model of element of value contribution to

Art Unit: 3628

enterprise market value by using genetic algorithms to learn from the data by using processing steps selected from the group consisting of fitness measure resealing, random mutation, recalibrating target fitness levels, selective crossover, selective carry-forward and combinations thereof. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 157, Ranger discloses wherein obtaining a plurality of data related to a value of a business enterprise in a format suitable for processing further comprises using metadata mapping to integrate data from a plurality of enterprise systems in accordance with a schema defined by a metadata standard where the metadata standard is selected from the group consisting of xml, corba and metadata coalition standard. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 158, Ranger discloses wherein additional instructions cause the processors to:
calculate a market value contribution for a plurality of elements of value using an identified percentage contribution for each element of value; and
display the market value contributions for each of a plurality of element of value using a paper document or an electronic display see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 159, Ranger discloses 159. (new) The system of claim 158 wherein a display of market value contributions for each element of value further comprises displaying a balance sheet that includes a value for each element of value together with a value for each of a plurality of tangible assets. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 160, Ranger discloses wherein a display of market value contributions for each element of value further comprises displaying a balance sheet that includes a value for each element of value together with a value for each of one or more tangible assets where the tangible assets are selected from the group consisting

of accounts receivable, cash, inventory, marketable securities, prepaid expenses, production equipment and combinations thereof. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 161, Ranger discloses wherein additional instructions cause the processors to:

track a change in a market value contribution for each element of value over time; and display a report showing the changes in market value contribution by element of value over time using a paper document or an electronic display in a value creation statement or income statement format. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 162, Ranger discloses a program storage device readable by machine, tangibly embodying a program of instructions executable by a machine to perform the method steps in a management method, comprising:
aggregating a plurality of transaction data from a plurality of management systems for a commercial enterprise, identifying a plurality of indicators of tangible element of value impact for each of one or more aspects of enterprise financial performance using at least a portion of said data, developing an impact summary for each of one or more elements of value using one or more of said indicators, and producing a plurality of predictive enterprise performance models using said summaries by learning from the data where the predictive enterprise performance models enable an integrated analysis and management of an enterprise market value, an enterprise current operation and categories of enterprise value selected from the group consisting of real option, market sentiment and combinations thereof. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 163, Ranger discloses wherein the method further comprises using one or more enterprise performance models to identify one or more transactions that will optimize one or more aspects of enterprise financial performance where the one or more aspects of enterprise financial performance are selected from the group consisting of

Art Unit: 3628

revenue, expense, capital change, cash flow, future value, market value, raw material expense, manufacturing expense, service delivery expense, sales expense, support expense, other expense, change in cash, change in non-cash financial assets, current operation value, real option value, market sentiment value and combinations thereof. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 164 Ranger discloses where an enterprise further comprises a single product, a group of products, a division or a company.

As per claim 165, Ranger discloses wherein a plurality of transaction data are aggregated in accordance with a schema defined by a metadata standard where the metadata standard is selected from the group consisting of xml, corba and metadata coalition standard. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 166, Ranger discloses wherein a plurality of management systems for a commercial enterprise are selected from the group consisting of advanced financial systems, basic financial systems, alliance management systems, brand management systems, customer relationship management systems, channel management systems, estimating systems, intellectual property management systems, process management systems, supply chain management systems, vendor, management systems, operation management systems, enterprise resource planning systems (ERP), material requirement planning systems (MRP), quality control systems, sales management systems, human resource systems, accounts receivable systems, accounts payable systems, capital asset systems, inventory systems, invoicing systems, payroll systems, purchasing systems, web site systems, the Internet, external databases, user input and combinations thereof. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 167, Ranger discloses wherein one or more elements of value are selected from the group consisting of alliances, brands, channels, customers, customer relationships, employees, employee relationships, information, intellectual property, partnerships, processes, vendors, vendor relationships and combinations thereof. see

column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 168, Ranger discloses wherein a plurality of tangible indicators of element of value performance are selected from the group consisting of composite variables, transaction averages, time lagged transaction ratios, time lagged transaction trends, time lagged transaction averages, time lagged transaction data, transaction patterns, geospatial measures, relative strength rankings, link counts, frequencies, time periods, average time periods, cumulative time periods, rolling average time period, cumulative total values, period to period rates of change and combinations thereof. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 169, Ranger discloses wherein a plurality of predictive enterprise performance models further comprise a plurality of predictive models selected from the group consisting of neural networks; regression models, generalized autoregressive conditional heteroskedasticity, generalized additive models; multivariate adaptive regression splines, rough-set analysis; Bayes models, support vector method, multivalent models and combinations thereof. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 170, Ranger discloses wherein the method further comprises using one or more enterprise performance models to complete a useful task selected from the group consisting of: forecasting an expected change in an enterprise value after a user specified change, calculating a value contribution for each element of

value, creating a list of element value driver changes that will optimize one or more aspects of enterprise financial performance, creating a plurality of management reports and combinations thereof. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 171, Ranger discloses a n enterprise method, comprising:

Art Unit: 3628

obtaining a plurality of data related to a value of a business enterprise in a format suitable for analysis, the business enterprise having a plurality of elements of value contributing to a market value of the business enterprise; and
identifying a percentage of an enterprise market value contributed by each element of value by using at least some of the data to analyze enterprise financial performance where the percentage of enterprise market value contributed by each element of value further comprise an element of value contribution to a current operation category of value and optionally a contribution to a category of value selected from the group consisting of real option, market sentiment and combinations thereof see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40) and where the elements of value are selected from the group consisting of alliances, brands, channels, customers, customer relationships, employees, employee relationships, information, intellectual property, partnerships, processes, vendors, vendor relationships and combinations thereof. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 172, Ranger discloses wherein identifying a percentage of an enterprise market value contributed by each element of value from a plurality of elements of value further comprises identifying an element of value contribution to enterprise market value by a category of value where a category of value is selected from the group consisting of current operation, real option, market sentiment and combinations thereof. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 173 Ranger discloses wherein identifying a percentage of an enterprise market value contributed by each element of value from a plurality of elements of value further comprises:

determining a discount rate for use in a real option valuation as a function of an element of value profile of an enterprise and the real option;
calculating a value for a real option using the calculated discount rate and a cost of capital for the enterprise; and identifying a value contribution to a real option value by element of

Art Unit: 3628

value by comparing the two valuations. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 174, Ranger discloses wherein identifying a percentage of an enterprise market value contributed by each element of value from a plurality of elements of value further comprises using output from a predictive model to determine a percentage of a component of value level contributed by each element of value over a sequential period of time. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 175, Ranger discloses wherein identifying a percentage of an enterprise market value contributed by each element of value from a plurality of elements of value further comprises creating a summary of element of value impact on enterprise financial performance for each element of value where the composition of the summary is predefined or learned from the data. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 176, Ranger discloses wherein identifying a percentage of an enterprise market value contributed by each element of value from a plurality of elements of value further comprises creating a summary of element of value impact on enterprise financial performance for each element of value and using said impact summaries as an input to a network model for an aspect of enterprise financial performance selected from the group consisting of revenue, expense, capital change, cash flow, future value, value, raw material expense, manufacturing expense, service delivery expense, sales expense, support expense, other expense, change in cash, change in non-cash financial assets, current operation value, market sentiment value and combinations thereof. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 177, Ranger discloses wherein obtaining a plurality of data related to a value of a business enterprise in a format suitable for analysis further comprises integrating and converting data from a plurality of enterprise systems in accordance with a

Art Unit: 3628

schema defined by a metadata standard where the metadata standard is selected from the group consisting of xml, corba and metadata coalition standard. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 178, Ranger discloses wherein the method further comprises: calculating a market value contribution for each element of value from a plurality of elements of value using an identified percentage contribution for each element of value; and creating a balance sheet that includes a value for each element of value. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 179, Ranger discloses wherein the method further comprises tracking a change in market value contribution for each element of value from a plurality of elements of value over time and creating a report showing the changes in market value contribution by element of value over time in a value creation statement or income statement format. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 180, Ranger discloses an intelligent enterprise method experiencing a plurality of events in association with its operation, the method comprising: integrating, converting and storing a plurality of transaction data that memorialize the plurality of events in a central repository see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40) analyzing at least a portion of the information related to the plurality of events as required to identify one or more value drivers for each of one or more elements of value of said enterprise, creating a performance model for each of one or more categories of enterprise value that uses said value drivers by element of value alone or in combination as an input, and using the performance models to complete a useful task selected from the group consisting of see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40) forecasting an expected change in an enterprise value after a user specified change, calculating a value contribution for each element of value, creating a list of

element value driver changes that will optimize one or more aspects of enterprise financial performance, creating a plurality of management reports and combinations thereof. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 181, Ranger discloses wherein one or more elements of value are selected from the group consisting of brands, customers, customer relationships, employees, employee relationships, intellectual capital, intellectual property, partners, processes, vendors, vendor relationships and combinations thereof. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 182, Ranger discloses wherein a central repository further comprises an application database that makes the data accessible and available for extraction and analysis so as to provide a coherent view of the event information for an enterprise. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 183, Ranger discloses wherein integrating, converting and storing a plurality of transaction data further comprises using metadata mapping to integrate and convert said transaction data in accordance with a common schema defined with a metadata standard that defines a common data dictionary that includes common attributes selected from the group consisting of elements of value, components of value, currencies, units of measure, time periods, dates and combinations thereof. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 184, Ranger discloses wherein analyzing the information related to the plurality of events further comprises initializing and evolving a series of predictive models for each of one or more aspects of enterprise financial performance where the one or more aspects of enterprise financial performance are selected from the group consisting of revenue, expense, capital change, cash flow, future value, market value, raw material expense, manufacturing expense, service delivery expense, sales expense, support expense, other expense, change in cash, change in non-cash financial

Art Unit: 3628

assets, current operation value, real option value, market sentiment value and combinations thereof. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 185, Ranger discloses wherein integrating, converting and storing a plurality of transaction data further comprises using metadata mapping to integrate, convert and store data from a plurality of enterprise systems in accordance with a schema defined by a metadata standard where the metadata standard is selected from the group consisting of xml, corba and metadata coalition standard. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 186, Ranger discloses a program storage device readable by machine, tangibly embodying a program of instructions executable by a machine to perform the method steps in a data processing method, comprising:
integrating, converting and storing enterprise related transaction data in accordance with a common xml schema to support organization processing see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40) where a set of integration and conversion rules are established using a metadata and conversion rules window and saved in a metadata mapping table, where at least some data are pre-specified for integration and conversion, and where the integrated data is stored in a central repository. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 187, Ranger discloses wherein a common schema further comprises a network schema that is defined using an xml metadata or metadata coalition standard.(see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 188, Ranger discloses further comprises a bot.(see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

Art Unit: 3628

As per claim 189, Ranger discloses a computer readable medium, tangibly embodying a program of instructions executable by a machine to perform the method steps in a management method, comprising:

obtaining a plurality of data related to a value of a business enterprise in a format suitable for processing, the business enterprise having a plurality of elements of value contributing to a market value of the business enterprise see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40) and identifying a percentage of the enterprise market value contributed by each of the elements of value by using at least some of the data to analyze enterprise financial performance with a series of models where the percentage of enterprise market value contributed by each element of value further comprise an element of value contribution to a current operation category of value and optionally a contribution to a category of value selected from the group consisting of real option, market sentiment and combinations thereof, and where a plurality of elements of value are selected from the group consisting of alliances, brands, channels, customers, customer relationships, employees, employee relationships, information, intellectual property, partnerships, processes, vendors, vendor relationships and combinations thereof. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 190, Ranger discloses wherein identifying a percentage of an enterprise market value contributed by each of a plurality of elements of value further comprises determining a discount rate for a real option valuation as a function of an element of value profile of the enterprise and the real option. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 191, Ranger discloses wherein identifying a percentage of an enterprise market value contributed by each of a plurality of elements of value further comprises using output from a predictive model that has been selected by a tournament to determine a percentage of a component of value level contributed by an element of value over a sequential period of time where the components of value are selected from

Art Unit: 3628

the group consisting of revenue, expense, capital change and combinations thereof, and where predictive models are selected from the group consisting of neural networks; regression models, generalized autoregressive conditional heteroskedasticity, generalized additive models; multivariate adaptive regression splines, rough-set analysis; Bayes models, support vector method, multivalent models and combinations thereof. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 192, Ranger discloses wherein identifying a percentage of an enterprise market value contributed by each of a plurality of elements of value further comprises creating a summary of an element of value impact on enterprise financial performance for each element of value in an automated fashion by using a series of predictive models to learn from the data.(see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 193, Ranger discloses wherein identifying a percentage of an enterprise market value contributed by each of a plurality of elements of value further comprises creating a summary of an element of value impact on enterprise financial performance for each element of value and using said impact summaries to create a causal predictive model for each of one or more aspects of enterprise financial performance see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40) where the aspects of financial performance are selected from the group consisting of revenue, expense, capital change, cash flow, future value, value, raw material expense, manufacturing expense, service delivery expense, sales expense, support expense, other expense, change in cash, change in non-cash financial assets, current operation value, real option value, market sentiment value and combinations thereof. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 194, Ranger discloses wherein identifying a percentage of an enterprise market value contributed by each of a plurality of element of value by a

Art Unit: 3628

category of value further comprises creating a model of element of value contribution to enterprise market value by using genetic algorithms to learn from the data by using processing steps selected from the group consisting of fitness measure rescaling, random mutation, recalibrating target fitness levels, selective crossover, selective carry-forward and combinations thereof. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 195, Ranger discloses wherein obtaining a plurality of data related to a value of a business enterprise in a format suitable for processing further comprises using metadata mapping to integrate data from a plurality of enterprise systems in accordance with a schema defined by a metadata standard where the metadata standard is selected from the group consisting of xml, corba and metadata coalition standard. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 196, Ranger discloses wherein the method further comprises: calculating a market value contribution for a plurality of elements of value using an identified percentage contribution for each element of value; and displaying the market value contributions for each of a plurality of element of value using a paper document or an electronic display in a balance sheet format that includes a value for each element of value together with a value for each of a plurality of tangible assets. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 197, Ranger discloses wherein a plurality of tangible assets are selected from the group consisting of accounts receivable, cash, inventory, marketable securities, prepaid expenses, production equipment and combinations thereof. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 151, Ranger discloses 198. (new) The computer readable medium of claim 196 wherein the method further comprises:
tracking a change in a market value contribution for each element of value over time; and
display a report showing the changes in market value contribution by element of value

Art Unit: 3628

over time using a paper document or an electronic display. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 199, Ranger discloses wherein a report showing a change in market value contribution by element of value over time further comprises a value creation statement or an income statement. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40) where the components of value are selected from the group consisting of revenue, expense, capital change and combinations thereof; and where predictive models are selected from the group consisting of neural networks; regression models, generalized autoregressive conditional heteroskedasticity, generalized additive models; multivariate adaptive regression splines, rough-set analysis; Bayes models, support vector method, multivalent models and combinations thereof. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

Conclusion

Response to Arguments

- 4 Response to arguments filed 5/2/2006 has been considered but they are moot in view of new grounds of rejections.
5. In response to Applicant's arguments that prior art of reference Ranger fail to teach or suggest" a financial performance method, comprising: integrating data from a plurality of enterprise related data sources, and calculating a net relative contribution for each of one or more elements of value to each of one or more aspects of enterprise financial performance using at least a portion of said data where the elements of value are selected from the Group consisting of alliances, brands. Channels, customers customer relationships employees customer employee relationships intellectual prosy partnerships processes vendors vendor relationships and combinations thereof and wherein a net relative contribution is a relative direct contribution of an element of value to an aspect of enterprise financial performance net of any contribution to one or more

other elements of value" However the examiner disagrees because these limitations were addressed as stated,

Ranger teaches calculating the value of each element of value using a net relative contributions, and-contribution for each of one or more aspects of financial Performance, and displaying the value of the elements of value using a paper document or electronic display and see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40 and . integrating data from a plurality of enterprise related data sources, and calculating a net relative contribution for each of one or more elements of value to each of one or more aspects of enterprise financial performance using at least a portion of said data where the elements of value are selected from the Group consisting of alliances, brands. Channels, customers customer relationships employees customer employee relationships intellectual property partnerships processes vendors vendor relationships and combinations thereof.(Note abstract and see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40.

Therefore it is inherently clear that Applicant's claimed limitations were addressed with the teachings of Ranger

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B Graham whose telephone number is 703-305-1874. The examiner can normally be reached on 7am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on 703-308-0505. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for regular communications and 703-305-0040 for After Final communications.


Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Application/Control Number: 10/441,385
Art Unit: 3628

Page 23

CG

May 24, 2006


FRANTZY POINVIL
PRIMARY EXAMINER
AU 3628



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| 10/441,385 | 05/20/2003 | Jeff Scott Eder | VM-53 | 6229 |

53787 7590 11/03/2006

ASSET TRUST, INC.
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EXAMINER

GRAHAM, CLEMENT B

ART UNIT PAPER NUMBER

3692

DATE MAILED: 11/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/441,385

Applicant(s)

EDER, JEFF SCOTT

Examiner

Clement B. Graham

Art Unit

3692

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 186-193 and 195-254 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 186-193 and 195-254 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 186-193, and 195-199 remained pending and claims 200-253 has been added.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 186-188, 201-220, 201-220, are rejected under 35 U.S.C. 102(e) as being anticipated by Ranger U.S. Patent 6, 301, 584.

As per claim 186, Ranger discloses a program storage device readable by machine, tangibly embodying a program of instructions executable by a machine to perform the method steps in a data processing method, comprising:

integrating, converting and storing enterprise related transaction data in accordance with a common xml schema(see column 14 lines 33-47 and see column 5 lines 42-67 and column 6 lines 1-34) to support organization processing see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40) where a set of integration and conversion rules are established using a metadata and conversion rules window and saved in a metadata mapping table, (see column 5 lines 42-67 and column 6 lines 1-34)

where at least some data are pre-specified for integration and conversion, and where the integrated data is stored in a central repository. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 187, Ranger discloses wherein a common schema further comprises a network schema that is defined using an xml(see column 14 lines 33-47) metadata or metadata coalition standard(see column 5 lines 42-67 and column 6 lines 1-34)

Art Unit: 3692

As per claim 188, Ranger discloses further comprises a bot.(see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 201, Ranger discloses a financial performance method, comprising: integrating data from a plurality of enterprise related data sources, and calculating a net relative contribution for each of one or more elements of value to each of one or more aspects of enterprise financial performance using a series of models to analyze at least a portion of said data where the elements of value are selected from the group consisting of alliances, brands, channels, customers, customer relationships, employees, employee relationships, intellectual property, partnerships, processes, vendors, vendor relationships and combinations thereof, and where the series of models are predictive models, causal models and optionally data envelopement analysis models. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 202, Ranger discloses wherein a net relative contribution is a relative direct contribution of an element of value to an aspect of enterprise financial performance net of any contribution to one or more other elements of value. .(see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 203, Ranger discloses wherein the method further comprises: calculating a value of each element of value using a net relative contribution for each of one or more aspects of financial performance, and displaying the value of the elements of value using a paper document or electronic display. .(see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 204, Ranger discloses wherein the method further comprises: identifying a list of changes to the elements of value that will optimize one or more aspects of enterprise financial performance, and

Art Unit: 3692

displaying the list of changes using a paper document or electronic display. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 205, Ranger discloses wherein integrating data from a plurality of enterprise related data source further comprises integrating data in accordance with a common xml schema. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 206, Ranger discloses wherein a common xml schema includes a data dictionary. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 207, Ranger discloses wherein a data dictionary defines standard data attributes from the group consisting of account numbers, components of value, currencies, elements of value, enterprise designations, time periods, units of measure and combinations thereof. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 208, Ranger discloses where an xml schema is defined using an xml metadata standard. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 209, Ranger discloses wherein a plurality of enterprise related data sources are selected from the group consisting of advanced financial systems, basic financial systems, alliance management systems, brand management systems, customer relationship management systems, channel management systems, estimating. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40) systems, intellectual property management systems, process management systems, supply chain management systems, vendor management systems, operation management systems, enterprise resource planning systems (ERP), material requirement planning systems (MRP), quality control systems, sales management systems, human resource systems, accounts receivable systems, accounts payable systems, capital asset systems, inventory systems, invoicing systems, payroll systems, purchasing systems, web site systems, the Internet, external databases,

Art Unit: 3692

user input and combinations thereof. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 210, Ranger discloses wherein each of one or more elements of value are optionally clustered into sub-elements of value for more detailed analysis. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 211, Ranger discloses wherein an aspect of enterprise financial performance is selected from the group consisting of revenue, expense, capital change, current operation value, real option value, market sentiment value, market value and combinations thereof. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 212, Ranger discloses wherein calculating a net relative contribution of each of one or more elements of value to each of one or more subsets of enterprise market value aspects of enterprise financial performance further comprises:

creating one or more tangible measures of element of value impact,

using a series of models to select tangible indicators of element of value impact, identifying a level of interaction between elements of value. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40)

identifying a concrete summary measure for each element of value as a function of the level of interaction between elements of value, initializing and training predictive models that use the concrete summary measures of element impact as inputs for modeling one or more aspects of enterprise financial performance a current operation subset of value by a component of value and a market sentiment subset of value. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40)

and using the weights from a best fit predictive model to identify a net relative contribution by element of value to each of the one or more aspects of enterprise financial performance a current operation subset of value by a component of value and a market sentiment

Art Unit: 3692

subset of value. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 213, Ranger discloses wherein a tangible indicator of element of value impact is selected from the group consisting of composite variables, transaction ratios, transaction trends, transaction averages, time lagged transaction ratios, time lagged transaction trends, time lagged transaction averages, time lagged transaction data, patterns, geospatial measures, relative strength rankings, link counts, frequencies, time periods, average time periods, cumulative time periods, rolling average time periods, cumulative total values, period to period rates of change and combinations thereof. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 214, Ranger discloses wherein a series of models used to select tangible indicators further comprises a predictive model to select candidates and a causal models to finalize the selection. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 215, Ranger discloses wherein a predictive model is selected from the group consisting of neural networks; regression models, generalized autoregressive conditional heteroskedasticity, generalized additive models; multivariate adaptive regression splines, rough-set analysis; Bayes models, support vector method, multivalent models and combinations thereof. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 216, Ranger discloses wherein a causal model is selected from the group consisting of Bayes, minimum message length and path analysis. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 217, Ranger discloses wherein one or more aspects of enterprise financial performance are selected from the group consisting of revenue, expense, capital change, market value, current operation value, real option value, market sentiment value and combinations thereof. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

Art Unit: 3692

As per claim 218, Ranger discloses wherein a series of models are developed in an automated fashion by learning from the data. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 219, Ranger discloses wherein a list of changes to the elements of value that will optimize the value one or more aspects of enterprise financial performance further comprise a list of changes to one or more value drivers for each element of value. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 220, Ranger discloses wherein an enterprise further comprises a single product, a group of products, a division or a company. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 231, Ranger discloses a program storage device readable by machine, tangibly embodying a program of instructions executable by a machine to perform the method steps in a management method, comprising:

aggregating a plurality of transaction data from a plurality of management systems for a commercial enterprise (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40) identifying a plurality of indicators of tangible element of value impact for each of one or more aspects of enterprise financial performance using at least a portion of said data, developing an impact summary for each of one or more elements of value using one or more of said indicators, and producing a plurality of predictive enterprise performance models using said summaries by learning from the data

where the predictive enterprise performance models enable an integrated analysis and management of an enterprise market value, an enterprise current operation, one or more real options, and a market sentiment. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

Art Unit: 3692

As per claim 232, Ranger discloses wherein the method further comprises using one or more enterprise performance models to identify one or more transactions that will optimize the value of one or more subsets of enterprise market value where the one or more subsets of value are selected from the group consisting of current operation (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40) real option, market sentiment and combinations thereof aspects of enterprise financial performance where the one or more aspects of enterprise financial performance are selected from the group consisting of revenue, expense, capital change, cash flow, future value, market value, raw material expense, manufacturing expense, service delivery expense, sales expense, support expense, other expense, change in cash, change in non-cash financial assets, current operation value, real option value, market sentiment value and combinations thereof. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 233, Ranger discloses where an enterprise further comprises a single product, a group of products, a division or a company. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 234, Ranger discloses wherein a plurality of transaction data are aggregated in accordance with a schema defined by a metadata standard where the metadata standard is selected from the group consisting of xml, corba and metadata coalition standard. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 235, Ranger discloses wherein a plurality of management systems for a commercial enterprise are selected from the group consisting of advanced financial systems, basic financial systems, alliance management systems, brand management systems, customer relationship management systems, channel management systems, estimating systems, intellectual property management systems, process management systems, supply chain management systems, vendor management systems, operation management systems, enterprise resource planning systems (ERP), material requirement

Art Unit: 3692

planning systems (MRP), quality control systems(see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40) sales management systems, human resource systems, accounts receivable systems, accounts payable systems, capital asset systems, inventory systems, invoicing systems, payroll systems, ' purchasing systems, web site systems, the Internet, external databases, user input and combinations thereof. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 236, Ranger discloses wherein one or more elements of value are selected from the group consisting of alliances, brands, channels, customers, customer relationships, employees, employee relationships, information, intellectual property, partnerships, processes, vendors, vendor relationships and combinations thereof. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 237, Ranger discloses wherein a plurality of tangible indicators of element of value impact are selected from the group consisting of composite variables, transaction averages, time lagged transaction ratios, time lagged transaction trends, time lagged transaction averages, time lagged transaction data, transaction patterns, geospatial measures, relative strength rankings, link counts, frequencies, time periods, average time periods, cumulative time periods, rolling average time period, cumulative total values, period to period rates of change and combinations thereof. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 238, Ranger discloses wherein a plurality of predictive enterprise performance models further comprise a plurality of predictive models selected from the group consisting of neural networks; regression models, generalized autoregressive conditional heteroskedasticity, generalized additive models; multivariate adaptive regression splines, rough-set analysis; Bayes models, support vector method, multivalent models and combinations thereof. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

Art Unit: 3692

As per claim 239, Ranger discloses 239 wherein the method further comprises using one or more enterprise performance models to complete a useful task selected from the group consisting of: forecasting an expected change in an enterprise value after a user specified change, calculating a value contribution for each element of value, creating a list of element value driver changes that will optimize the value of one or more aspects of enterprise financial performance, creating a plurality of management reports and combinations thereof. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 248, Ranger discloses an intelligent enterprise method, the enterprise experiencing a plurality of events in association with its operation, the method comprising: integrating, converting and storing a plurality of transaction data; analyzing at least a portion of the data as required to identify one or more value drivers for each of one or more elements of value of said enterprise using a series of models, creating a performance model for an enterprise revenue and for each of one or more subsets of enterprise value see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40) and using the performance models to complete a useful task selected from the group consisting of: forecasting an expected change in one or more subsets of an enterprise market value after a user specified change, calculating a value contribution of each element of value to each subset of enterprise value see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40) creating a list of element value driver changes that will optimize the value of one or more subsets of enterprise value, creating a plurality of management reports and combinations thereof where the one or more subsets of enterprise value are a current operation and subsets of value selected from the group consisting of real option, market sentiment and combinations thereof, where each performance model uses value drivers by element of value alone or in combination as an input, and where a series of models further comprises a one or more predictive models and one or more causal models. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

Art Unit: 3692

As per claim 249, Ranger discloses wherein one or more elements of value are selected from the group consisting of brands, customers, customer relationships, employees, employee relationships, intellectual capital, intellectual property, partners, processes, vendors, vendor relationships and combinations thereof. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 250, Ranger wherein storing a plurality of transaction data further comprises storing data in an application database that makes the data accessible and available for extraction and analysis so as to provide a coherent view of the event information for an enterprise. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 251, Ranger discloses wherein integrating, converting and storing a plurality of transaction data further comprises using metadata mapping to integrate and convert said transaction data in accordance with a common schema defined with a metadata standard that defines a common data dictionary that includes common attributes selected from the group consisting of elements of value, components of value, currencies, units of measure, time periods, dates and combinations thereof. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 252, Ranger discloses wherein analyzing the information related to the plurality of events further comprises initializing and evolving a series of predictive models for each of one or more aspects of enterprise financial performance where the one or more aspects of enterprise financial performance are selected from the group consisting of revenue, expense, capital change see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40) cash flow, future value, market value, raw material expense, manufacturing expense, service delivery expense, sales expense, support expense, other expense, change in cash, change in non-cash financial assets, current operation value, real option value, market sentiment value and combinations thereof. see column 2 lines 15-59 and column 3-6

Art Unit: 3692

lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 253, Ranger discloses wherein integrating, converting and storing a plurality of transaction data further comprises using metadata mapping to integrate, convert and store data from a plurality of enterprise systems in accordance with a schema defined by a metadata standard where the metadata standard is selected from the group consisting of xml, corba and metadata coalition standard. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 254, Ranger discloses wherein the elements of value are selected from the group consisting of alliances, brands, channels, customers, customer relationships, employees, employee relationships, information, intellectual property, partnerships, processes, vendors, vendor relationships and combinations thereof. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 189-193, 195-200, 221-230, and 240-247, are rejected under 35 U.S.C. 103(a) as being unpatentable over Ranger U.S. Patent 6, 301, 584 in view of Chennault US Patent 5, 930, 774.

As per claim 189, Ranger discloses a computer readable medium, tangibly embodying a program of instructions executable by a machine to perform the method steps in a management method, comprising:
obtaining a plurality of data related to a value of a business enterprise in a format suitable for processing(see column 14 lines 33-47 and see column 5 lines 42-67 and column 6

Art Unit: 3692

lines 1-34) the business enterprise having a plurality of elements of value contributing to a market value of the business enterprise; and

enterprise market value contributed by each of the elements of value by using at least some of the data to analyze enterprise financial performance with a series of models and where a plurality of elements of value are selected from the group consisting of alliances, brands, channels, customers, customer relationships, employees, employee relationships, information, intellectual property, partnerships, processes, vendors, vendor relationships and combinations thereof and a market sentiment. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

Ranger fail to explicitly teach identifying a percentage where the percentage of enterprise market value contributed by each element of value further comprise an separate element of value contribution to a current operation category of value, and one or more real options.

However Chennault discloses third, as shown in a step the Overlap Compiler: (a) selects the first two mutual funds in the new data base; (b) utilizes proprietary calculations to calculate from the data on the Morningstar Ondisc report each selected mutual fund's Sector Percent (the percent which the market value of all securities issued by companies which do business primarily in a designated sector of the economy held by each selected mutual fund bears to the total market value of that mutual fund's portfolio) for each sector of the economy, to compare the Sector Percents for each such sector, and to accumulate and retain in the new data base the smaller percent for each sector of the economy from each of those comparisons as that sector's "Sector Overlap" percent of those two mutual funds; and (c) repeats steps (a) and (b) until a Sector Percent for each sector of the economy is created for all combinations of two mutual funds in the new data base. The term "sector of the economy" refers to the securities held by the mutual fund which are commonly classified as issued by companies which do business primarily in one sector of the economy. For example, companies are now commonly classified as doing business primarily in one of the following "sectors" of the economy: utilities, energy, financial, cyclicals, consumer durables, consumer staples,

Art Unit: 3692

services, retail, health, technology, and other. The Morningstar Ondisc report assigns a sector of the economy to each security in each mutual fund's portfolio, and the Overlap Compiler adds the Security Percent for all securities assigned a specific sector of the economy to determine the Sector Percent for that sector; however, if the Overlap Compiler accesses some other source of portfolio information which does not include Security Percents the Overlap Compiler can be readily expanded to calculate each Sector Percent by adding the market values of all securities assigned to a specific sector of the economy and dividing that total by the portfolio's total market values.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Ranger to identifying a percentage where the percentage of enterprise market value contributed by each element of value further comprise an separate element of value contribution to a current operation category of value, and one or more real options taught by Chennault in order to evaluate and compare two or more investment portfolios each including securities to determine the extent of diversity or lack of diversity between the investment portfolios.

As per claim 190, Ranger discloses wherein identifying a percentage of an enterprise market value contributed by each of a plurality of elements of value further comprises determining a discount rate for a real option valuation as a function of an element of value profile of the enterprise and the real option. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 191, Ranger discloses wherein identifying a percentage of an enterprise market value contributed by each of a plurality of elements of value further comprises using output from a predictive model that has been selected by a tournament to determine a percentage of a component of value level contributed by an element of value over a sequential period of time where the components of value are selected from the group consisting of revenue, expense, capital change and combinations thereof, and where predictive models are selected from the group consisting of neural networks; regression models, generalized autoregressive conditional heteroskedasticity, generalized additive models; multivariate adaptive regression splines, rough-set analysis;

Art Unit: 3692

Bayes models, support vector method, multivalent models and combinations thereof. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 192, Ranger discloses wherein identifying a percentage of an enterprise market value contributed by each of a plurality of elements of value further comprises creating a summary of an element of value impact on enterprise financial performance for each element of value in an automated fashion by using a series of predictive models to learn from the data. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 193, Ranger discloses wherein identifying a percentage of an enterprise market value contributed by each of a plurality of elements of value further comprises creating a summary of an element of value impact on enterprise financial performance for each element of value and using said impact summaries to create a causal predictive model for each of one or more aspects of enterprise financial performance see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40) where the aspects of financial performance are selected from the group consisting of revenue, expense, capital change, cash flow, future value, value, raw material expense, manufacturing expense, service delivery expense, sales expense, support expense, other expense, change in cash, change in non-cash financial assets, current operation value, real option value, market sentiment value and combinations thereof. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 195, Ranger discloses wherein obtaining a plurality of data related to a value of a business enterprise in a format suitable for processing further comprises using metadata mapping to integrate data from a plurality of enterprise systems in accordance with a schema defined by a metadata standard where the metadata standard is selected from the group consisting of xml, corba and metadata coalition standard. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

Art Unit: 3692

As per claim 196, Ranger discloses wherein the method further comprises:
calculating a market value contribution for a plurality of elements of value using an identified percentage contribution for each element of value; and

displaying the market value contributions for each of a plurality of element of value using a paper document or an electronic display in a balance sheet format that includes a value for each element of value together with a value for each of a plurality of tangible assets. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 197, Ranger discloses wherein a plurality of tangible assets are selected from the group consisting of accounts receivable, cash, inventory, marketable securities, prepaid expenses, production equipment and combinations thereof. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 198, Ranger discloses wherein the method further comprises:
tracking a change in a market value contribution for each element of value over time;
and display a report showing the changes in market value contribution by element of value over time using a paper document or an electronic display. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 199, Ranger discloses wherein a report showing a change in market value contribution by element of value over time further comprises a value creation statement or an income statement. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40) where the components of value are selected from the group consisting of revenue, expense, capital change and combinations thereof; and

where predictive models are selected from the group consisting of neural networks; regression models, generalized autoregressive conditional heteroskedasticity, generalized additive models; multivariate adaptive regression splines, rough-set analysis; Bayes models, support vector method, multivalent models and combinations thereof. (see

Art Unit: 3692

column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 200, Ranger discloses wherein a series of models further comprises a plurality of network models, a plurality of causal models and optionally one or more data envelopment analysis models. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 221, Ranger discloses an enterprise system, comprising a computer with a processor having circuitry to execute instructions; a storage device available to said processor with sequences of instructions stored therein, which when executed cause the processor to: obtain a plurality of data related to a value of a business enterprise in a format suitable for processing, the business enterprise having a plurality of elements of value contributing to a market value of the business enterprise(see column 14 lines 33-47 and see column 5 lines 42-67 and column 6 lines 1-34) and enterprise market value contributed by each of the elements of value by using at least some of the data to analyze enterprise financial performance with a series of models where the percentage of enterprise market value contributed by each element of value further comprise a separate element of value contribution to: a current operation category of value, one or more real options, and optionally a market sentiment, and where a plurality of elements of value are selected from the group consisting of alliances, brands, channels, customers, customer relationships, employees, employee relationships, information, intellectual property, partnerships, processes, vendors, vendor relationships and combinations thereof. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

Ranger fail to explicitly teach identify a percentage.

However Chennault discloses third, as shown in a step the Overlap Compiler: (a) selects the first two mutual funds in the new data base; (b) utilizes proprietary calculations to calculate from the data on the Morningstar Ondisc report each selected mutual fund's Sector Percent (the percent which the market value of all securities issued by companies which do business primarily in a designated sector of the economy held by each selected mutual fund bears to the total market value of that mutual fund's

Art Unit: 3692

portfolio) for each sector of the economy, to compare the Sector Percents for each such sector, and to accumulate and retain in the new data base the smaller percent for each sector of the economy from each of those comparisons as that sector's "Sector Overlap" percent of those two mutual funds; and (c) repeats steps (a) and (b) until a Sector Percent for each sector of the economy is created for all combinations of two mutual funds in the new data base. The term "sector of the economy" refers to the securities held by the mutual fund which are commonly classified as issued by companies which do business primarily in one sector of the economy. For example, companies are now commonly classified as doing business primarily in one of the following "sectors" of the economy: utilities, energy, financial, cyclicals, consumer durables, consumer staples, services, retail, health, technology, and other. The Morningstar Ondisc report assigns a sector of the economy to each security in each mutual fund's portfolio, and the Overlap Compiler adds the Security Percent for all securities assigned a specific sector of the economy to determine the Sector Percent for that sector; however, if the Overlap Compiler accesses some other source of portfolio information which does not include Security Percents the Overlap Compiler can be readily expanded to calculate each Sector Percent by adding the market values of all securities assigned to a specific sector of the economy and dividing that total by the portfolio's total market values.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Ranger to identify a percentage taught by Chennault in order to evaluate and compare two or more investment portfolios each including securities to determine the extent of diversity or lack of diversity between the investment portfolios.

As per claim 222, Ranger discloses wherein identifying a percentage of an enterprise market value contributed by each of a plurality of elements of value further comprises determining a discount rate for a real option valuation as a function of an element of value profile of the enterprise and the real option. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

Art Unit: 3692

As per claim 223, Ranger discloses wherein identifying a percentage of an enterprise market value contributed by each of a plurality of elements of value further comprises using output from a predictive model that has been selected by a tournament to determine a percentage of a component of value level contributed by an element of value over a sequential period of time where the components of value are selected from the group consisting of revenue, expense, capital change and combinations thereof (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40) and where predictive models are selected from the group consisting of neural networks; regression models, generalized autoregressive conditional heteroskedasticity, generalized additive models; multivariate adaptive regression splines, rough-set analysis; Bayes models, support vector method, multivalent models and combinations thereof. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 224, Ranger discloses wherein identifying a percentage of an enterprise market value contributed by each of a plurality of elements of value further comprises creating a summary of an element of value impact on enterprise financial performance for each element of value in an automated fashion by learning from the data. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 225, Ranger discloses wherein identifying a percentage of an enterprise market value contributed by each of a plurality of elements of value further comprises creating a summary of an element of value impact on enterprise financial performance for each element of value and using said impact summaries as an input to a plurality of predictive models for each of one or more aspects of enterprise financial performance where the aspects of financial performance are selected from the group consisting of revenue, expense, capital change, cash flow, future value, value, raw material expense, manufacturing expense, service delivery expense, sales expense, support expense, other expense, change in cash, change in non-cash financial assets, current operation value, real option value, market sentiment value and combinations thereof. (see

Art Unit: 3692

column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 226, Ranger wherein obtaining a plurality of data related to a value of a business enterprise in a format suitable for processing further comprises using metadata mapping to integrate data from a plurality of enterprise systems in accordance with a schema defined by a metadata standard where the metadata standard is selected from the group consisting of xml, corba and metadata coalition standard. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 227, Ranger discloses wherein additional instructions cause the processors to:

calculate a market value contribution for a plurality of elements of value using an identified percentage contribution for each element of value; and

display the market value contributions for each of a plurality of element of value using a paper document or an electronic display. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 228, Ranger discloses wherein a display of market value contributions for each element of value further comprises displaying a balance sheet that includes a value for each element of value together with a value for each of a plurality of tangible assets. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 229, Ranger discloses wherein a display of market value contributions for each element of value further comprises displaying a balance sheet that includes a value for each element of value together with a value for each of one or more tangible assets where the tangible assets are selected from the group consisting of accounts receivable, cash, inventory, marketable securities, prepaid expenses, production equipment and combinations thereof. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

Art Unit: 3692

As per claim 230, Ranger discloses wherein additional instructions cause the processors to:

track a change in a market value contribution for each element of value over time; and display a report showing the changes in market value contribution by element of value over time using a paper document or an electronic display in a value creation statement or income statement format. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 240 Ranger discloses an enterprise method, comprising: obtaining a plurality of data related to a value of a business enterprise in a format suitable for analysis, the business enterprise having a plurality of elements of value contributing to a market value of the business enterprise(see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40) and enterprise revenue and an enterprise market value contributed by each element of value by using at least some of the data to analyze enterprise financial performance with a series of models

where the percentage of an enterprise market value contributed by each element of value further comprises a separate element of value contribution to: a current operation category of value, one or more real options, and optionally a market sentiment(see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40) and where the elements of value are selected from the group consisting of alliances, brands, channels, customers, customer relationships, employees, employee relationships, information, intellectual property, partnerships, processes, vendors, vendor relationships and combinations thereof. (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

Ranger fail to explicitly teach identify a percentage.

However Chennault discloses third, as shown in a step the Overlap Compiler: (a) selects the first two mutual funds in the new data base; (b) utilizes proprietary calculations to calculate from the data on the Morningstar Ondisc report each selected mutual fund's Sector Percent (the percent which the market value of all securities issued

Art Unit: 3692

by companies which do business primarily in a designated sector of the economy held by each selected mutual fund bears to the total market value of that mutual fund's portfolio) for each sector of the economy, to compare the Sector Percents for each such sector, and to accumulate and retain in the new data base the smaller percent for each sector of the economy from each of those comparisons as that sector's "Sector Overlap" percent of those two mutual funds; and (c) repeats steps (a) and (b) until a Sector Percent for each sector of the economy is created for all combinations of two mutual funds in the new data base. The term "sector of the economy" refers to the securities held by the mutual fund which are commonly classified as issued by companies which do business primarily in one sector of the economy. For example, companies are now commonly classified as doing business primarily in one of the following "sectors" of the economy: utilities, energy, financial, cyclicals, consumer durables, consumer staples, services, retail, health, technology, and other. The Morningstar Ondisc report assigns a sector of the economy to each security in each mutual fund's portfolio, and the Overlap Compiler adds the Security Percent for all securities assigned a specific sector of the economy to determine the Sector Percent for that sector; however, if the Overlap Compiler accesses some other source of portfolio information which does not include Security Percents the Overlap Compiler can be readily expanded to calculate each Sector Percent by adding the market values of all securities assigned to a specific sector of the economy and dividing that total by the portfolio's total market values.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Ranger to identify a percentage taught by Chennault in order to evaluate and compare two or more investment portfolios each including securities to determine the extent of diversity or lack of diversity between the investment portfolios.

As per claim 241 Ranger discloses wherein identifying a percentage of an enterprise market value contributed by each element of value from a plurality of elements of value further comprises:

determining a discount rate for use in a real option valuation as a function of an element of value profile of an enterprise and the real option see column 2 lines 15-59 and column

Art Unit: 3692

3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40) calculating a value for a real option using the calculated discount rate and a cost of capital for the enterprise; and

identifying a value contribution to a real option value by element of value by comparing the two valuations. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 242 Ranger discloses wherein identifying a percentage of an enterprise market value contributed by each element of value from a plurality of elements of value further comprises using output from a predictive model to determine a percentage of a component of value level contributed by each element of value over a sequential period of time. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 243 Ranger discloses wherein identifying a percentage of enterprise market value contributed by each element of value from a plurality of elements of value further comprises creating a summary of element of value impact on enterprise financial performance for each element of value. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 244 Ranger discloses wherein identifying a percentage of an enterprise market value contributed by each element of value from a plurality of elements of value further comprises creating a summary of element of value impact on enterprise financial performance see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40) for each element of value and using said impact summaries as an input to a network model for an aspect of enterprise financial performance selected from the group consisting of revenue, expense, capital change, cash flow, future value, value, raw material expense, manufacturing expense, service delivery expense, sales expense, support expense, other expense, change in cash, change in non-cash financial assets, current operation value, market sentiment value and combinations thereof. see column 2 lines 15-59 and column 3-6

Art Unit: 3692

lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 245 Ranger discloses wherein obtaining a plurality of data related to a value of a business enterprise in a format suitable for analysis further comprises integrating and converting data from a plurality of enterprise systems in accordance with a schema defined by a metadata standard where the metadata standard is selected from the group consisting of xml, corba and metadata coalition standard. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 246 Ranger discloses wherein the method further comprises: calculating a market value contribution for each element of value from a plurality of elements of value using an identified percentage contribution for each element of value to one or more subsets of an enterprise market value; and creating a balance sheet that includes a value for each element of value. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 247 Ranger discloses wherein the method further comprises tracking a change in market value contribution for each element of value from a plurality of elements of value over time and creating a report showing the changes in market value contribution by element of value over time in a value creation statement or income statement format. see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

Conclusion

Response to Arguments

6 Response to arguments filed 8/25/2006 has been considered but they are moot in view of new grounds of rejections.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B Graham whose telephone number is 703-305-1874. The examiner can normally be reached on 7am to 5pm.

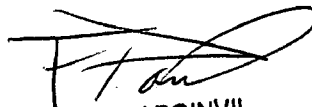
Art Unit: 3692

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on 703-308-0505. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for regular communications and 703-305-0040 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

CG

Oct 19, 2006



FRANTZY POINVIL
PRIMARY EXAMINER
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| Notice of References Cited | Application/Control No. 10/441,385 | Applicant(s)/Patent Under Reexamination EDER, JEFF SCOTT | |
| | Examiner Clement B. Graham | Art Unit 3692 | Page 1 of 1 |

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| | B | US- | | | |
| | C | US- | | | |
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| | E | US- | | | |
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*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

Index of Claims (continued)



Application/Control No.

10/441,385

Examiner

Clement B. Graham

Applicant(s)/Patent under
Reexamination

EDER, JEFF SCOTT

Art Unit

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Index of Claims



Application/Control No.

10/441,385

Examiner

Clement B. Graham

Applicant(s)/Patent under Reexamination

EDER, JEFF SCOTT

Art Unit

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Search Notes

Application/Control No.

10/441,385

Examiner

Clement B. Graham

Applicant(s)/Patent under
Reexamination

EDER, JEFF SCOTT

Art Unit

3692

SEARCHED

| Class | Subclass | Date | Examiner |
|-------|----------|------------|----------|
| 705 | 37 | 10/16/2006 | CG |
| 705 | 38 | 10/17/2006 | CG |
| 705 | 35 | 10/18/2006 | CG |
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INTERFERENCE SEARCHED

| Class | Subclass | Date | Examiner |
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**SEARCH NOTES
(INCLUDING SEARCH STRATEGY)**

| | DATE | EXMR |
|--------------------------------|------------|------|
| See attached west search notes | 10/20/2006 | CG |
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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD

Substitute for Form PTO-875

Application or Docket Number

10/441,385

APPLICATION AS FILED - PART I

| (Column 1) | | (Column 2) | SMALL ENTITY | | OR | OTHER THAN SMALL ENTITY | |
|---|---|--------------|--------------|----------|----|-------------------------|----------|
| FOR | NUMBER FILED | NUMBER EXTRA | RATE (\$) | FEE (\$) | | RATE (\$) | FEE (\$) |
| BASIC FEE (37 CFR 1.16(a), (b), or (c)) | | | | | | | |
| SEARCH FEE (37 CFR 1.16(k), (l), or (m)) | | | | | | | |
| EXAMINATION FEE (37 CFR 1.16(o), (p), or (q)) | | | | | | | |
| TOTAL CLAIMS (37 CFR 1.16(i)) | 70 minus 16 = | 54 | x 25 = | | OR | x 50 = | |
| INDEPENDENT CLAIMS (37 CFR 1.16(h)) | 7 minus 1 = | 6 | x 100 = | | | x 200 = | |
| APPLICATION SIZE FEE (37 CFR 1.16(s)) | If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s). | | | | | | |
| MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j)) | | | 180 | | | 360 | |
| | | | TOTAL | | | TOTAL | |

* If the difference in column 1 is less than zero, enter "0" in column 2.

APPLICATION AS AMENDED - PART II

| (Column 1) | | (Column 2) | (Column 3) | SMALL ENTITY | | OR | OTHER THAN SMALL ENTITY | |
|---|----------------------------------|------------------------------------|---------------|-----------------|---------------------|----|-------------------------|---------------------|
| AMENDMENT A | CLAIMS REMAINING AFTER AMENDMENT | HIGHEST NUMBER PREVIOUSLY PAID FOR | PRESENT EXTRA | RATE (\$) | ADDITIONAL FEE (\$) | | RATE (\$) | ADDITIONAL FEE (\$) |
| Total (37 CFR 1.16(i)) | * | Minus ** | = | x 25 = | | OR | x 50 = | |
| Independent (37 CFR 1.16(i)) | * | Minus *** | = | x 100 = | | OR | x 200 = | |
| Application Size Fee (37 CFR 1.16(s)) | | | | | | | | |
| FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j)) | | | | 180 | | OR | 360 | |
| | | | | TOTAL ADD'L FEE | | OR | TOTAL ADD'L FEE | |

| (Column 1) | | (Column 2) | (Column 3) | SMALL ENTITY | | OR | OTHER THAN SMALL ENTITY | |
|---|----------------------------------|------------------------------------|---------------|-----------------|---------------------|----|-------------------------|---------------------|
| AMENDMENT B | CLAIMS REMAINING AFTER AMENDMENT | HIGHEST NUMBER PREVIOUSLY PAID FOR | PRESENT EXTRA | RATE (\$) | ADDITIONAL FEE (\$) | | RATE (\$) | ADDITIONAL FEE (\$) |
| Total (37 CFR 1.16(i)) | * | Minus ** | = | x 25 = | | OR | x 50 = | |
| Independent (37 CFR 1.16(i)) | * | Minus *** | = | x 100 = | | OR | x 200 = | |
| Application Size Fee (37 CFR 1.16(s)) | | | | | | | | |
| FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j)) | | | | 180 | | OR | 360 | |
| | | | | TOTAL ADD'L FEE | | OR | TOTAL ADD'L FEE | |

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/441,385 | 05/20/2003 | Jeff Scott Eder | VM-53 | 6229 |

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BOTHELL, WA 98021

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| EXAMINER |
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GRAHAM, CLEMENT B

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| ART UNIT | PAPER NUMBER |
|----------|--------------|

3692

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
|--|------------|---------------|
| 3 MONTHS | 02/27/2007 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/441,385

Applicant(s)

EDER, JEFF SCOTT

Examiner

Clement B. Graham

Art Unit

3692

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 186-193 and 195-254 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 186-193 and 195-254 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 186-193, 195-254 remained pending.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 186, 189, 201, 220, 231, 240, 248, are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Applicant's claims are directed to an algorithm. Specifically, claims 55 recites "integrating and converting, aggregating, ", however these steps are mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, for example) and abstract ideas without a practical application are found to be non-statutory subject matter. Therefore, Applicant's claims are non-statutory as they do not produce a useful, concrete and tangible result.

Claim Rejections - 35 USC § 112

- 3 The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 186, 189, 201, 220, 231, 240, 248, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In particular, Claims 186, 189, 201, 220, 231, 240, 248, recites the words [" enterprise related transacted data, specifications, at least some data, net relative contribution, related value, format suitable for processing, using at least a portion of said data, useful task "].

However this language fails to distinctly claim Applicant's invention because the scope of the claim is unclear. Moreover the specification fails to clarify, the meaning of the limitations.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 186-188, 201-220, 201-220, are rejected under 35 U.S.C. 102(b) as being anticipated by Lyons et al (Hereinafter Lyons U.S. Patent 4, 989, 141).

As per claim 186, Lyons discloses a program storage device readable by machine, tangibly embodying a program of instructions executable by a machine to perform the method steps in a data processing method, comprising:

integrating, converting and storing enterprise related transaction data in accordance with a common xml schema(see abstract and (see column 5-11)to support organization processing (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5) where a set of integration and conversion rules are established using a metadata and conversion rules window and saved in a metadata mapping table (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5)

where at least some data are pre-specified for integration and conversion, and where the integrated data is stored in a central repository(see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 187, Lyons discloses wherein a common schema further comprises a network schema that is defined using an xml, metadata or metadata coalition standard(see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

Art Unit: 3692

As per claim 188, Lyons discloses further comprises a bot. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 201, Lyons discloses a financial performance method, comprising: integrating data from a plurality of enterprise related data sources, and calculating a net relative contribution for each of one or more elements of value to each of one or more aspects of enterprise financial performance using a series of models to analyze at least a portion of said data where the elements of value are selected from the group consisting of alliances, brands, channels, customers, customer relationships, employees, employee relationships, intellectual property, partnerships, processes, vendors, vendor relationships and combinations thereof, and where the series of models are predictive models, causal models and optionally data envelopement analysis models. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 202, Lyons discloses wherein a net relative contribution is a relative direct contribution of an element of value to an aspect of enterprise financial performance net of any contribution to one or more other elements of value. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 203, Lyons discloses wherein the method further comprises: calculating a value of each element of value using a net relative contribution for each of one or more aspects of financial performance, and displaying the value of the elements of value using a paper document or electronic display. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 204, Lyons discloses wherein the method further comprises: identifying a list of changes to the elements of value that will optimize one or more aspects of enterprise financial performance, and displaying the list of changes using a paper document or electronic display. (see columns 5-11 column 7 line 1 to column 9 line 17

Art Unit: 3692

and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 205, Lyons discloses wherein integrating data from a plurality of enterprise related data source further comprises integrating data in accordance with a common xml schema. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 206, Lyons discloses wherein a common xml schema includes a data dictionary. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 207, Lyons discloses wherein a data dictionary defines standard data attributes from the group consisting of account numbers, components of value, currencies, elements of value, enterprise designations, time periods, units of measure and combinations thereof. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 208, Lyons discloses where an xml schema is defined using an xml metadata standard. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 209, Lyons discloses wherein a plurality of enterprise related data sources are selected from the group consisting of advanced financial systems, basic financial systems, alliance management systems, brand management systems, customer relationship management systems, channel management systems, estimating. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5) systems, intellectual property management systems, process management systems, supply chain management systems, vendor management systems, operation management systems, enterprise resource planning systems (ERP), material requirement planning systems (MRP), quality control systems, sales management systems, human resource systems, accounts

Art Unit: 3692

receivable systems, accounts payable systems, capital asset systems, inventory systems, invoicing systems, payroll systems, purchasing systems, web site systems, the Internet, external databases, user input and combinations thereof. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 210, Lyons discloses wherein each of one or more elements of value are optionally clustered into sub-elements of value for more detailed analysis. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 211, Lyons discloses wherein an aspect of enterprise financial performance is selected from the group consisting of revenue, expense, capital change, current operation value, real option value, market sentiment value, market value and combinations thereof. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 212, Lyons discloses wherein calculating a net relative contribution of each of one or more elements of value to each of one or more subsets of enterprise market value aspects of enterprise financial performance further comprises:

creating one or more tangible measures of element of value impact,

using a series of models to select tangible indicators of element of value impact, identifying a level of interaction between elements of value (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5) identifying a concrete summary measure for each element of value as a function of the level of interaction between elements of value, initializing and training predictive models that use the concrete summary measures of element impact as inputs for modeling one or more aspects of enterprise financial performance a current operation subset of value by a component of value and a market sentiment subset of value (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5) and using the weights from a best fit predictive model to identify a net relative

Art Unit: 3692

contribution by element of value to each of the one or more aspects of enterprise financial performance a current operation subset of value by a component of value and a market sentiment subset of value. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 213, Lyons discloses wherein a tangible indicator of element of value impact is selected from the group consisting of composite variables, transaction ratios, transaction trends, transaction averages, time lagged transaction ratios, time lagged transaction trends, time lagged transaction averages, time lagged transaction data, patterns, geospatial measures, relative strength rankings, link counts, frequencies, time periods, average time periods, cumulative time periods, rolling average time periods, cumulative total values, period to period rates of change and combinations thereof. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 214, Lyons discloses wherein a series of models used to select tangible indicators further comprises a predictive model to select candidates and a causal models to finalize the selection. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5)

As per claim 215, Lyons discloses wherein a predictive model is selected from the group consisting of neural networks; regression models, generalized autoregressive conditional heteroskedasticity, generalized additive models; multivariate adaptive regression splines, rough-set analysis; Bayes models, support vector method, multivalent models and combinations thereof. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 216, Lyons discloses wherein a causal model is selected from the group consisting of Bayes, minimum message length and path analysis. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

Art Unit: 3692

As per claim 217, Lyons discloses wherein one or more aspects of enterprise financial performance are selected from the group consisting of revenue, expense, capital change, market value, current operation value, real option value, market sentiment value and combinations thereof. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 218, Lyons discloses wherein a series of models are developed in an automated fashion by learning from the data. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 219, Lyons discloses wherein a list of changes to the elements of value that will optimize the value one or more aspects of enterprise financial performance further comprise a list of changes to one or more value drivers for each element of value. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5)

As per claim 220, Lyons discloses wherein an enterprise further comprises a single product, a group of products, a division or a company. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 231, Lyons discloses a program storage device readable by machine, tangibly embodying a program of instructions executable by a machine to perform the method steps in a management method, comprising:

aggregating a plurality of transaction data from a plurality of management systems for a commercial enterprise(see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5)

(identifying a plurality of indicators of tangible element of value impact for each of one or more aspects of enterprise financial performance using at least a portion of said data, developing an impact summary for each of one or more elements of value using one or more of said indicators, and producing a plurality of predictive enterprise performance

Art Unit: 3692

models using said summaries by learning from the data where the predictive enterprise performance models enable an integrated analysis and management of an enterprise market value, an enterprise current operation, one or more real options, and a market sentiment. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 232, Lyons discloses wherein the method further comprises using one or more enterprise performance models to identify one or more transactions that will optimize the value of one or more subsets of enterprise market value where the one or more subsets of value are selected from the group consisting of current operation (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40) real option, market sentiment and combinations thereof aspects of enterprise financial performance where the one or more aspects of enterprise financial performance are selected from the group consisting of revenue, expense, capital change, cash flow, future value, market value, raw material expense, manufacturing expense, service delivery expense, sales expense, support expense, other expense, change in cash, change in non-cash financial assets, current operation value, real option value, market sentiment value and combinations thereof. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 233, Lyons discloses where an enterprise further comprises a single product, a group of products, a division or a company. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

(see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 234, Lyons discloses wherein a plurality of transaction data are aggregated in accordance with a schema defined by a metadata standard where the metadata standard is selected from the group consisting of xml, corba and metadata coalition standard. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9

Art Unit: 3692

lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 235, Lyons discloses wherein a plurality of management systems for a commercial enterprise are selected from the group consisting of advanced financial systems, basic financial systems, alliance management systems, brand management systems, customer relationship management systems, channel management systems, estimating systems, intellectual property management systems, process management systems, supply chain management systems, vendor management systems, operation management systems, enterprise resource planning systems (ERP), material requirement planning systems (MRP), quality control systems (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5)

sales management systems, human resource systems, accounts receivable systems, accounts payable systems, capital asset systems, inventory systems, invoicing systems, payroll systems, ' purchasing systems, web site systems, the Internet, external databases, user input and combinations thereof. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 236, Lyons discloses wherein one or more elements of value are selected from the group consisting of alliances, brands, channels, customers, customer relationships, employees, employee relationships, information, intellectual property, partnerships, processes, vendors, vendor relationships and combinations thereof. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 237, Lyons discloses wherein a plurality of tangible indicators of element of value impact are selected from the group consisting of composite variables, transaction averages, time lagged transaction ratios, time lagged transaction trends, time lagged transaction averages, time lagged transaction data, transaction patterns, geospatial measures, relative strength rankings, link counts, frequencies, time periods, average time periods, cumulative time periods, rolling average time period, cumulative

Art Unit: 3692

total values, period to period rates of change and combinations thereof. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 238, Lyons discloses wherein a plurality of predictive enterprise performance models further comprise a plurality of predictive models selected from the group consisting of neural networks; regression models, generalized autoregressive conditional heteroskedasticity, generalized additive models; multivariate adaptive regression splines, rough-set analysis; Bayes models, support vector method, multivalent models and combinations thereof. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 239, Lyons discloses wherein the method further comprises using one or more enterprise performance models to complete a useful task selected from the group consisting of: forecasting an expected change in an enterprise value after a user specified change, calculating a value contribution for each element of value, creating a list of element value driver changes that will optimize the value of one or more aspects of enterprise financial performance, creating a plurality of management reports and combinations thereof. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 248, Lyons discloses an intelligent enterprise method, the enterprise experiencing a plurality of events in association with its operation, the method comprising: integrating, converting and storing a plurality of transaction data; analyzing at least a portion of the data as required to identify one or more value drivers for each of one or more elements of value of said enterprise using a series of models,

creating a performance model for an enterprise revenue and for each of one or more subsets of enterprise value (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5)

Art Unit: 3692

and using the performance models to complete a useful task selected from the group consisting of: forecasting an expected change in one or more subsets of an enterprise market value after a user specified change, calculating a value contribution of each element of value to each subset of enterprise value (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5)

creating a list of element value driver changes that will optimize the value of one or more subsets of enterprise value, creating a plurality of management reports and combinations thereof where the one or more subsets of enterprise value are a current operation and subsets of value selected from the group consisting of real option, market sentiment and combinations thereof, where each performance model uses value drivers by element of value alone or in combination as an input, and where a series of models further comprises a one or more predictive models and one or more causal models. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 249, Lyons discloses wherein one or more elements of value are selected from the group consisting of brands, customers, customer relationships, employees, employee relationships, intellectual capital, intellectual property, partners, processes, vendors, vendor relationships and combinations thereof. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 250, Lyons wherein storing a plurality of transaction data further comprises storing data in an application database that makes the data accessible and available for extraction and analysis so as to provide a coherent view of the event information for an enterprise. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 251, Lyons discloses wherein integrating, converting and storing a plurality of transaction data further comprises using metadata mapping to integrate and

Art Unit: 3692

convert said transaction data in accordance with a common schema defined with a metadata standard that defines a common data dictionary that includes common attributes selected from the group consisting of elements of value, components of value, currencies, units of measure, time periods, dates and combinations thereof. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 252, Lyons discloses wherein analyzing the information related to the plurality of events further comprises initializing and evolving a series of predictive models for each of one or more aspects of enterprise financial performance where the one or more aspects of enterprise financial performance are selected from the group consisting of revenue, expense, capital change (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

cash flow, future value, market value, raw material expense, manufacturing expense, service delivery expense, sales expense, support expense, other expense, change in cash, change in non-cash financial assets, current operation value, real option value, market sentiment value and combinations thereof. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 253, Lyons discloses wherein integrating, converting and storing a plurality of transaction data further comprises using metadata mapping to integrate, convert and store data from a plurality of enterprise systems in accordance with a schema defined by a metadata standard where the metadata standard is selected from the group consisting of xml, corba and metadata coalition standard. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 254, Lyons discloses wherein the elements of value are selected from the group consisting of alliances, brands, channels, customers, customer relationships, employees, employee relationships, information, intellectual property, partnerships, processes, vendors, vendor relationships and combinations thereof. (see

Art Unit: 3692

columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 189-193, 195-200, 221-230, and 240-247, are rejected under 35 U.S.C. 103(a) as being unpatentable over Lyons et al (Hereinafter Lyons U.S. Patent 4, 989, 141) in view of Chennault US Patent 5, 930, 774.

As per claim 189, Lyons discloses a computer readable medium, tangibly embodying a program of instructions executable by a machine to perform the method steps in a management method, comprising:

obtaining a plurality of data related to a value of a business enterprise in a format suitable for processing(see column 14 lines 33-47 and see column 5 lines 42-67 and column 6 lines 1-34) the business enterprise having a plurality of elements of value contributing to a market value of the business enterprise; and

enterprise market value contributed by each of the elements of value by using at least some of the data to analyze enterprise financial performance with a series of models and where a plurality of elements of value are selected from the group consisting of alliances, brands, channels, customers, customer relationships, employees, employee relationships, information, intellectual property, partnerships, processes, vendors, vendor relationships and combinations thereof and a market sentiment. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

Lyons fail to explicitly teach identifying a percentage where the percentage of enterprise market value contributed by each element of value further comprise an separate

Art Unit: 3692

element of value contribution to a current operation category of value, and one or more real options.

However Chennault discloses third, as shown in a step the Overlap Compiler: (a) selects the first two mutual funds in the new data base; (b) utilizes proprietary calculations to calculate from the data on the Morningstar Ondisc report each selected mutual fund's Sector Percent (the percent which the market value of all securities issued by companies which do business primarily in a designated sector of the economy held by each selected mutual fund bears to the total market value of that mutual fund's portfolio) for each sector of the economy, to compare the Sector Percents for each such sector, and to accumulate and retain in the new data base the smaller percent for each sector of the economy from each of those comparisons as that sector's "Sector Overlap" percent of those two mutual funds; and (c) repeats steps (a) and (b) until a Sector Percent for each sector of the economy is created for all combinations of two mutual funds in the new data base. The term "sector of the economy" refers to the securities held by the mutual fund which are commonly classified as issued by companies which do business primarily in one sector of the economy. For example, companies are now commonly classified as doing business primarily in one of the following "sectors" of the economy: utilities, energy, financial, cyclicals, consumer durables, consumer staples, services, retail, health, technology, and other. The Morningstar Ondisc report assigns a sector of the economy to each security in each mutual fund's portfolio, and the Overlap Compiler adds the Security Percent for all securities assigned a specific sector of the economy to determine the Sector Percent for that sector; however, if the Overlap Compiler accesses some other source of portfolio information which does not include Security Percents the Overlap Compiler can be readily expanded to calculate each Sector Percent by adding the market values of all securities assigned to a specific sector of the economy and dividing that total by the portfolio's total market values.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Lyons to identifying a percentage where the percentage of enterprise market value contributed by each element of value further comprise an separate element of value contribution to a current operation category of

Art Unit: 3692

value, and one or more real options taught by Chennault in order to evaluate and compare two or more investment portfolios each including securities to determine the extent of diversity or lack of diversity between the investment portfolios.

As per claim 190, Lyons discloses wherein identifying a percentage of an enterprise market value contributed by each of a plurality of elements of value further comprises determining a discount rate for a real option valuation as a function of an element of value profile of the enterprise and the real option. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 191, Lyons discloses wherein identifying a percentage of an enterprise market value contributed by each of a plurality of elements of value further comprises using output from a predictive model that has been selected by a tournament to determine a percentage of a component of value level contributed by an element of value over a sequential period of time where the components of value are selected from the group consisting of revenue, expense, capital change and combinations thereof, and where predictive models are selected from the group consisting of neural networks; regression models, generalized autoregressive conditional heteroskedasticity, generalized additive models; multivariate adaptive regression splines, rough-set analysis; Bayes models, support vector method, multivalent models and combinations thereof. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 192, Lyons discloses wherein identifying a percentage of an enterprise market value contributed by each of a plurality of elements of value further comprises creating a summary of an element of value impact on enterprise financial performance for each element of value in an automated fashion by using a series of predictive models to learn from the data. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 193, Lyons discloses wherein identifying a percentage of an enterprise market value contributed by each of a plurality of elements of value further comprises

Art Unit: 3692

creating a summary of an element of value impact on enterprise financial performance for each element of value and using said impact summaries to create a causal predictive model for each of one or more aspects of enterprise financial performance (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5) where the aspects of financial performance are selected from the group consisting of revenue, expense, capital change, cash flow, future value, value, raw material expense, manufacturing expense, service delivery expense, sales expense, support expense, other expense, change in cash, change in non-cash financial assets, current operation value, real option value, market sentiment value and combinations thereof. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 195, Lyons discloses wherein obtaining a plurality of data related to a value of a business enterprise in a format suitable for processing further comprises using metadata mapping to integrate data from a plurality of enterprise systems in accordance with a schema defined by a metadata standard where the metadata standard is selected from the group consisting of xml, corba and metadata coalition standard. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 196, Lyons discloses wherein the method further comprises: calculating a market value contribution for a plurality of elements of value using an identified percentage contribution for each element of value; and

displaying the market value contributions for each of a plurality of element of value using a paper document or an electronic display in a balance sheet format that includes a value for each element of value together with a value for each of a plurality of tangible assets. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 197, Lyons discloses wherein a plurality of tangible assets are selected from the group consisting of accounts receivable, cash, inventory, marketable securities, prepaid expenses, production equipment and combinations thereof. (see

Art Unit: 3692

columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 198, Lyons discloses wherein the method further comprises: tracking a change in a market value contribution for each element of value over time; and display a report showing the changes in market value contribution by element of value over time using a paper document or an electronic display. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 199, Lyons discloses wherein a report showing a change in market value contribution by element of value over time further comprises a value creation statement or an income statement. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5)

where the components of value are selected from the group consisting of revenue, expense, capital change and combinations thereof; and where predictive models are selected from the group consisting of neural networks; regression models, generalized autoregressive conditional heteroskedasticity, generalized additive models; multivariate adaptive regression splines, rough-set analysis; Bayes models, support vector method, multivalent models and combinations thereof. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5)

As per claim 200, Lyons discloses wherein a series of models further comprises a plurality of network models, a plurality of causal models and optionally one or more data envelopement analysis models. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5)

As per claim 221, Lyons discloses an enterprise system, comprising a computer with a processor having circuitry to execute instructions; a storage device available to said processor with sequences of instructions stored therein, which when executed cause the processor to: obtain a plurality of data related to a value of a business enterprise in a format

Art Unit: 3692

suitable for processing, the business enterprise having a plurality of elements of value contributing to a market value of the business enterprise (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5)

and enterprise market value contributed by each of the elements of value by using at least some of the data to analyze enterprise financial performance with a series of models where the percentage of enterprise market value contributed by each element of value further comprise a separate element of value contribution to: a current operation category of value, one or more real options, and optionally a market sentiment, and where a plurality of elements of value are selected from the group consisting of alliances, brands, channels, customers, customer relationships, employees, employee relationships, information, intellectual property, partnerships, processes, vendors, vendor relationships and combinations thereof. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

Lyons fail to explicitly teach identify a percentage.

However Chennault discloses third, as shown in a step the Overlap Compiler: (a) selects the first two mutual funds in the new data base; (b) utilizes proprietary calculations to calculate from the data on the Morningstar Ondisc report each selected mutual fund's Sector Percent (the percent which the market value of all securities issued by companies which do business primarily in a designated sector of the economy held by each selected mutual fund bears to the total market value of that mutual fund's portfolio) for each sector of the economy, to compare the Sector Percents for each such sector, and to accumulate and retain in the new data base the smaller percent for each sector of the economy from each of those comparisons as that sector's "Sector Overlap" percent of those two mutual funds; and (c) repeats steps (a) and (b) until a Sector Percent for each sector of the economy is created for all combinations of two mutual funds in the new data base. The term "sector of the economy" refers to the securities held by the mutual fund which are commonly classified as issued by companies which do business primarily in one sector of the economy. For example, companies are now

Art Unit: 3692

commonly classified as doing business primarily in one of the following "sectors" of the economy: utilities, energy, financial, cyclicals, consumer durables, consumer staples, services, retail, health, technology, and other. The Morningstar Ondisc report assigns a sector of the economy to each security in each mutual fund's portfolio, and the Overlap Compiler adds the Security Percent for all securities assigned a specific sector of the economy to determine the Sector Percent for that sector; however, if the Overlap Compiler accesses some other source of portfolio information which does not include Security Percents the Overlap Compiler can be readily expanded to calculate each Sector Percent by adding the market values of all securities assigned to a specific sector of the economy and dividing that total by the portfolio's total market values.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Lyons to identify a percentage taught by Chennault in order to evaluate and compare two or more investment portfolios each including securities to determine the extent of diversity or lack of diversity between the investment portfolios.

As per claim 222, Lyons discloses wherein identifying a percentage of an enterprise market value contributed by each of a plurality of elements of value further comprises determining a discount rate for a real option valuation as a function of an element of value profile of the enterprise and the real option. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 223, Lyons discloses wherein identifying a percentage of an enterprise market value contributed by each of a plurality of elements of value further comprises using output from a predictive model that has been selected by a tournament to determine a percentage of a component of value level contributed by an element of value over a sequential period of time where the components of value are selected from the group consisting of revenue, expense, capital change and combinations thereof (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5) and where predictive models are selected from the group consisting of neural networks; regression models, generalized

autoregressive conditional heteroskedasticity, generalized additive models; multivariate adaptive regression splines, rough-set analysis; Bayes models, support vector method, multivalent models and combinations thereof. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 224, Lyons discloses wherein identifying a percentage of an enterprise market value contributed by each of a plurality of elements of value further comprises creating a summary of an element of value impact on enterprise financial performance for each element of value in an automated fashion by learning from the data. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 225, Lyons discloses wherein identifying a percentage of an enterprise market value contributed by each of a plurality of elements of value further comprises creating a summary of an element of value impact on enterprise financial performance for each element of value and using said impact summaries as an input to a plurality of predictive models for each of one or more aspects of enterprise financial performance where the aspects of financial performance are selected from the group consisting of revenue, expense, capital change, cash flow, future value, value, raw material expense, manufacturing expense, service delivery expense, sales expense, support expense, other expense, change in cash, change in non-cash financial assets, current operation value, real option value, market sentiment value and combinations thereof. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 226, Lyons wherein obtaining a plurality of data related to a value of a business enterprise in a format suitable for processing further comprises using metadata mapping to integrate data from a plurality of enterprise systems in accordance with a schema defined by a metadata standard where the metadata standard is selected from the group consisting of xml, corba and metadata coalition standard. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 227, Lyons discloses wherein additional instructions cause the processors to:
calculate a market value contribution for a plurality of elements of value using an identified percentage contribution for each element of value; and
display the market value contributions for each of a plurality of element of value using a paper document or an electronic display. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 228, Lyons discloses wherein a display of market value contributions for each element of value further comprises displaying a balance sheet that includes a value for each element of value together with a value for each of a plurality of tangible assets. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 229, Lyons discloses wherein a display of market value contributions for each element of value further comprises displaying a balance sheet that includes a value for each element of value together with a value for each of one or more tangible assets where the tangible assets are selected from the group consisting of accounts receivable, cash, inventory, marketable securities, prepaid expenses, production equipment and combinations thereof. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5)

As per claim 230, Lyons discloses wherein additional instructions cause the processors to:
track a change in a market value contribution for each element of value over time; and
display a report showing the changes in market value contribution by element of value over time using a paper document or an electronic display in a value creation statement or income statement format. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 240 Lyons discloses an enterprise method, comprising:

Art Unit: 3692

obtaining a plurality of data related to a value of a business enterprise in a format suitable for analysis, the business enterprise having a plurality of elements of value contributing to a market value of the business enterprise (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5) and enterprise revenue and an enterprise market value contributed by each element of value by using at least some of the data to analyze enterprise financial performance with a series of models where the percentage of an enterprise market value contributed by each element of value further comprises a separate element of value contribution to: a current operation category of value, one or more real options, and optionally a market sentiment (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5) and where the elements of value are selected from the group consisting of alliances, brands, channels, customers, customer relationships, employees, employee relationships, information, intellectual property, partnerships, processes, vendors, vendor relationships and combinations thereof. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5)

Lyons fail to explicitly teach identify a percentage.

However Chennault discloses third, as shown in a step the Overlap Compiler: (a) selects the first two mutual funds in the new data base; (b) utilizes proprietary calculations to calculate from the data on the Morningstar Ondisc report each selected mutual fund's Sector Percent (the percent which the market value of all securities issued by companies which do business primarily in a designated sector of the economy held by each selected mutual fund bears to the total market value of that mutual fund's portfolio) for each sector of the economy, to compare the Sector Percents for each such sector, and to accumulate and retain in the new data base the smaller percent for each sector of the economy from each of those comparisons as that sector's "Sector Overlap" percent of those two mutual funds; and (c) repeats steps (a) and (b) until a Sector Percent for each sector of the economy is created for all combinations of two mutual funds in the new data base. The term "sector of the economy" refers to the securities

Art Unit: 3692

held by the mutual fund which are commonly classified as issued by companies which do business primarily in one sector of the economy. For example, companies are now commonly classified as doing business primarily in one of the following "sectors" of the economy: utilities, energy, financial, cyclical, consumer durables, consumer staples, services, retail, health, technology, and other. The Morningstar Ondisc report assigns a sector of the economy to each security in each mutual fund's portfolio, and the Overlap Compiler adds the Security Percent for all securities assigned a specific sector of the economy to determine the Sector Percent for that sector; however, if the Overlap Compiler accesses some other source of portfolio information which does not include Security Percents the Overlap Compiler can be readily expanded to calculate each Sector Percent by adding the market values of all securities assigned to a specific sector of the economy and dividing that total by the portfolio's total market values.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Lyons to identify a percentage taught by Chennault in order to evaluate and compare two or more investment portfolios each including securities to determine the extent of diversity or lack of diversity between the investment portfolios.

As per claim 241 Lyons discloses wherein identifying a percentage of an enterprise market value contributed by each element of value from a plurality of elements of value further comprises:

determining a discount rate for use in a real option valuation as a function of an element of value profile of an enterprise and the real option (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5) calculating a value for a real option using the calculated discount rate and a cost of capital for the enterprise; and

identifying a value contribution to a real option value by element of value by comparing the two valuations. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 242 Lyons discloses wherein identifying a percentage of an enterprise market value contributed by each element of value from a plurality of elements of value further comprises using output from a predictive model to determine a percentage of a component of value level contributed by each element of value over a sequential period of time. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5)

As per claim 243 Lyons discloses wherein identifying a percentage of enterprise market value contributed by each element of value from a plurality of elements of value further comprises creating a summary of element of value impact on enterprise financial performance for each element of value. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5)

As per claim 244 Lyons discloses wherein identifying a percentage of an enterprise market value contributed by each element of value from a plurality of elements of value further comprises creating a summary of element of value impact on enterprise financial performance (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5) for each element of value and using said impact summaries as an input to a network model for an aspect of enterprise financial performance selected from the group consisting of revenue, expense, capital change, cash flow, future value, value, raw material expense, manufacturing expense, service delivery expense, sales expense, support expense, other expense, change in cash, change in non-cash financial assets, current operation value, market sentiment value and combinations thereof. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 245 Lyons discloses wherein obtaining a plurality of data related to a value of a business enterprise in a format suitable for analysis further comprises integrating and converting data from a plurality of enterprise systems in accordance with a schema defined by a metadata standard where the metadata standard is selected from the group consisting of xml, corba and metadata coalition standard. (see columns 5-11 column 7 line

Art Unit: 3692

1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 246 Lyons discloses wherein the method further comprises: calculating a market value contribution for each element of value from a plurality of elements of value using an identified percentage contribution for each element of value to one or more subsets of an enterprise market value; and creating a balance sheet that includes a value for each element of value. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 247 Lyons discloses wherein the method further comprises tracking a change in market value contribution for each element of value from a plurality of elements of value over time and creating a report showing the changes in market value contribution by element of value over time in a value creation statement or income statement format. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

Art Unit: 3692

Conclusion

Response to Arguments

9 Response to arguments filed 12/01/2006 has been considered but they are moot in view of new grounds of rejections.


10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B Graham whose telephone number is 571-272-6795. The examiner can normally be reached on 7am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on 703-308-0505. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for regular communications and 703-305-0040 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

CG

February 17, 2007


FRANTZY POINVIL
PRIMARY EXAMINER
AU 3692

| | | | |
|-----------------------------------|---------------------------------------|--|-------------|
| Notice of References Cited | Application/Control No. 10/441,385 | Applicant(s)/Patent Under Reexamination EDER, JEFF SCOTT | |
| | Examiner Clement B. Graham | Art Unit 3692 | Page 1 of 1 |

U.S. PATENT DOCUMENTS

| * | | Document Number Country Code-Number-Kind Code | Date MM-YYYY | Name | Classification |
|---|---|--|-----------------|--------------|----------------|
| * | A | US-4,989,141 | 01-1991 | Lyons et al. | 705/36R |
| | B | US- | | | |
| | C | US- | | | |
| | D | US- | | | |
| | E | US- | | | |
| | F | US- | | | |
| | G | US- | | | |
| | H | US- | | | |
| | I | US- | | | |
| | J | US- | | | |
| | K | US- | | | |
| | L | US- | | | |
| | M | US- | | | |

FOREIGN PATENT DOCUMENTS

| * | | Document Number Country Code-Number-Kind Code | Date MM-YYYY | Country | Name | Classification |
|---|---|--|-----------------|---------|------|----------------|
| | N | | | | | |
| | O | | | | | |
| | P | | | | | |
| | Q | | | | | |
| | R | | | | | |
| | S | | | | | |
| | T | | | | | |

NON-PATENT DOCUMENTS

| * | | Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages) |
|---|---|---|
| | U | |
| | V | |
| | W | |
| | X | |

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.



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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/441,385 | 05/20/2003 | Jeff Scott Eder | VM-53 | 6229 |
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| ASSET TRUST, INC. 2020 MALTBY ROAD SUITE 7362 BOTHELL, WA 98021 | | | EXAMINER GRAHAM, CLEMENT B | |
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| | | | MAIL DATE | DELIVERY MODE |
| | | | 08/10/2007 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/441,385

Applicant(s)

EDER, JEFF SCOTT

Examiner

Clement B. Graham

Art Unit

3692

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 5/26/07.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 186-193 and 195-254 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 186-193 and 195-254 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 186-193, 195-254 remained pending.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 186, 189, 201, 220, 231, 240, 248, are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Applicant's claims are directed to an algorithm. Specifically, claims recites "integrating and converting, aggregating, ", however these steps are mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, for example) and abstract ideas without a practical application are found to be non-statutory subject matter. Therefore, Applicant's claims are non-statutory as they do not produce a useful, concrete and tangible result.

Claim Rejections - 35 USC § 112

- 3 The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 186, 189, 201, 220, 231, 240, 248, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In particular, Claims 186, 189, 201, 220, 231, 240, 248, recites the words [" enterprise related transacted data, specifications, at least some data, net relative contribution, related value, format suitable for processing, using at least a portion of said data, useful task "].

However this language fails to distinctly claim Applicant's invention because the scope of the claim is unclear. Because these terms does not describes the data. Moreover the specification fails to clarify, the meaning of the limitations. Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 3692

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 186-188, 201-220, 201-220, are rejected under 35 U.S.C. 102(b) as being anticipated by Lyons et al (Hereinafter Lyons U.S. Patent 4, 989, 141).

As per claim 186, Lyons discloses a program storage device readable by machine, tangibly embodying a program of instructions executable by a machine to perform the method steps in a data processing method, comprising:

integrating, converting and storing enterprise related transaction data in accordance with a common xml schema(see abstract and (see column 5-11) to support organization processing (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5) where a set of integration and conversion rules are established using a metadata and conversion rules window and saved in a metadata mapping table (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5)

where at least some data are pre-specified for integration and conversion, and where the integrated data is stored in a central repository(see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 187, Lyons discloses wherein a common schema further comprises a network schema that is defined using an xml, metadata or metadata coalition standard(see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 188, Lyons discloses further comprises a bot. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 201, Lyons discloses a financial performance method, comprising: integrating data from a plurality of enterprise related data sources, and

calculating a net relative contribution for each of one or more elements of value to each of one or more aspects of enterprise financial performance using a series of models to analyze at least a portion of said data where the elements of value are selected from the group consisting of alliances, brands, channels, customers, customer relationships, employees, employee relationships, intellectual property, partnerships, processes, vendors, vendor relationships and combinations thereof, and where the series of models are predictive models, causal models and optionally data envelopement analysis models. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 202, Lyons discloses wherein a net relative contribution is a relative direct contribution of an element of value to an aspect of enterprise financial performance net of any contribution to one or more other elements of value. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 203, Lyons discloses wherein the method further comprises:
calculating a value of each element of value using a net relative contribution for each of one or more aspects of financial performance, and
displaying the value of the elements of value using a paper document or electronic display. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 204, Lyons discloses wherein the method further comprises:
identifying a list of changes to the elements of value that will optimize one or more aspects of enterprise financial performance, and displaying the list of changes using a paper document or electronic display. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 205, Lyons discloses wherein integrating data from a plurality of enterprise related data source further comprises integrating data in accordance with a common xml schema. (see columns 5-11 column 7 line 1 to column 9 line 17 and

Art Unit: 3692

column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 206, Lyons discloses wherein a common xml schema includes a data dictionary. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 207, Lyons discloses wherein a data dictionary defines standard data attributes from the group consisting of account numbers, components of value, currencies, elements of value, enterprise designations, time periods, units of measure and combinations thereof. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 208, Lyons discloses where an xml schema is defined using an xml metadata standard. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 209, Lyons discloses wherein a plurality of enterprise related data sources are selected from the group consisting of advanced financial systems, basic financial systems, alliance management systems, brand management systems, customer relationship management systems, channel management systems, estimating. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5) systems, intellectual property management systems, process management systems, supply chain management systems, vendor management systems, operation management systems, enterprise resource planning systems (ERP), material requirement planning systems (MRP), quality control systems, sales management systems, human resource systems, accounts receivable systems, accounts payable systems, capital asset systems, inventory systems, invoicing systems, payroll systems, purchasing systems, web site systems, the Internet, external databases, user input and combinations thereof. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 210, Lyons discloses wherein each of one or more elements of value are optionally clustered into sub-elements of value for more detailed analysis. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 211, Lyons discloses wherein an aspect of enterprise financial performance is selected from the group consisting of revenue, expense, capital change, current operation value, real option value, market sentiment value, market value and combinations thereof. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 212, Lyons discloses wherein calculating a net relative contribution of each of one or more elements of value to each of one or more subsets of enterprise market value aspects of enterprise financial performance further comprises:
creating one or more tangible measures of element of value impact,
using a series of models to select tangible indicators of element of value impact, identifying a level of interaction between elements of value(see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5) identifying a concrete summary measure for each element of value as a function of the level of interaction between elements of value, initializing and training predictive models that use the concrete summary measures of element impact as inputs for modeling one or more aspects of enterprise financial performance a current operation subset of value by a component of value and a market sentiment subset of value(see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5) and using the weights from a best fit predictive model to identify a net relative contribution by element of value to each of the one or more aspects of enterprise financial performance a current operation subset of value by a component of value and a market sentiment subset of value. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 213, Lyons discloses wherein a tangible indicator of element of value impact is selected from the group consisting of composite variables, transaction ratios, transaction trends, transaction averages, time lagged transaction ratios, time lagged transaction trends, time lagged transaction averages, time lagged transaction data, patterns, geospatial measures, relative strength rankings, link counts, frequencies, time periods, average time periods, cumulative time periods, rolling average time periods, cumulative total values, period to period rates of change and combinations thereof. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 214, Lyons discloses wherein a series of models used to select tangible indicators further comprises a predictive model to select candidates and a causal models to finalize the selection. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5)

As per claim 215, Lyons discloses wherein a predictive model is selected from the group consisting of neural networks; regression models, generalized autoregressive conditional heteroskedasticity, generalized additive models; multivariate adaptive regression splines, rough-set analysis; Bayes models, support vector method, multivalent models and combinations thereof. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 216, Lyons discloses wherein a causal model is selected from the group consisting of Bayes, minimum message length and path analysis. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 217, Lyons discloses wherein one or more aspects of enterprise financial performance are selected from the group consisting of revenue, expense, capital change, market value, current operation value, real option value, market sentiment value and combinations thereof. (see columns 5-11 column 7 line 1 to column 9 line 17 and

Art Unit: 3692

column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 218, Lyons discloses wherein a series of models are developed in an automated fashion by learning from the data. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 219, Lyons discloses wherein a list of changes to the elements of value that will optimize the value one or more aspects of enterprise financial performance further comprise a list of changes to one or more value drivers for each element of value. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5)

As per claim 220, Lyons discloses wherein an enterprise further comprises a single product, a group of products, a division or a company. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 231, Lyons discloses a program storage device readable by machine, tangibly embodying a program of instructions executable by a machine to perform the method steps in a management method, comprising:

aggregating a plurality of transaction data from a plurality of management systems for a commercial enterprise(see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5)

(identifying a plurality of indicators of tangible element of value impact for each of one or more aspects of enterprise financial performance using at least a portion of said data, developing an impact summary for each of one or more elements of value using one or more of said indicators, and producing a plurality of predictive enterprise performance models using said summaries by learning from the data where the predictive enterprise performance models enable an integrated analysis and management of an enterprise market value, an enterprise current operation, one or more real options, and a market

sentiment. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 232, Lyons discloses wherein the method further comprises using one or more enterprise performance models to identify one or more transactions that will optimize the value of one or more subsets of enterprise market value where the one or more subsets of value are selected from the group consisting of current operation (see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40) real option, market sentiment and combinations thereof aspects of enterprise financial performance where the one or more aspects of enterprise financial performance are selected from the group consisting of revenue, expense, capital change, cash flow, future value, market value, raw material expense, manufacturing expense, service delivery expense, sales expense, support expense, other expense, change in cash, change in non-cash financial assets, current operation value, real option value, market sentiment value and combinations thereof. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 233, Lyons discloses where an enterprise further comprises a single product, a group of products, a division or a company. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

(see column 2 lines 15-59 and column 3-6 lines 1-67 and column 23 lines 40-65 and column 24-26 lines 1-67 and column 27-28 lines 1-40).

As per claim 234, Lyons discloses wherein a plurality of transaction data are aggregated in accordance with a schema defined by a metadata standard where the metadata standard is selected from the group consisting of xml, corba and metadata coalition standard. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 235, Lyons discloses wherein a plurality of management systems for a commercial enterprise are selected from the group consisting of advanced financial

Art Unit: 3692

systems, basic financial systems, alliance management systems, brand management systems, customer relationship management systems, channel management systems, estimating systems, intellectual property management systems, process management systems, supply chain management systems, vendor management systems, operation management systems, enterprise resource planning systems (ERP), material requirement planning systems (MRP), quality control systems (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5)

sales management systems, human resource systems, accounts receivable systems, accounts payable systems, capital asset systems, inventory systems, invoicing systems, payroll systems, ' purchasing systems, web site systems, the Internet, external databases, user input and combinations thereof. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 236, Lyons discloses wherein one or more elements of value are selected from the group consisting of alliances, brands, channels, customers, customer relationships, employees, employee relationships, information, intellectual property, partnerships, processes, vendors, vendor relationships and combinations thereof. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 237, Lyons discloses wherein a plurality of tangible indicators of element of value impact are selected from the group consisting of composite variables, transaction averages, time lagged transaction ratios, time lagged transaction trends, time lagged transaction averages, time lagged transaction data, transaction patterns, geospatial measures, relative strength rankings, link counts, frequencies, time periods, average time periods, cumulative time periods, rolling average time period, cumulative total values, period to period rates of change and combinations thereof. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 238, Lyons discloses wherein a plurality of predictive enterprise performance models further comprise a plurality of predictive models selected from the group consisting of neural networks; regression models, generalized autoregressive conditional heteroskedasticity, generalized additive models; multivariate adaptive regression splines, rough-set analysis; Bayes models, support vector method, multivalent models and combinations thereof. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 239, Lyons discloses 239 wherein the method further comprises using one or more enterprise performance models to complete a useful task selected from the group consisting of: forecasting an expected change in an enterprise value after a user specified change, calculating a value contribution for each element of value, creating a list of element value driver changes that will optimize the value of one or more aspects of enterprise financial performance, creating a plurality of management reports and combinations thereof. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 248, Lyons discloses an intelligent enterprise method, the enterprise experiencing a plurality of events in association with its operation, the method comprising: integrating, converting and storing a plurality of transaction data; analyzing at least a portion of the data as required to identify one or more value drivers for each of one or more elements of value of said enterprise using a series of models,

creating a performance model for an enterprise revenue and for each of one or more subsets of enterprise value (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5)

and using the performance models to complete a useful task selected from the group consisting of: forecasting an expected change in one or more subsets of an enterprise market value after a user specified change, calculating a value contribution of each element of value to each subset of enterprise value (see columns 5-11 column 7 line 1 to column

9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5)

creating a list of element value driver changes that will optimize the value of one or more subsets of enterprise value, creating a plurality of management reports and combinations thereof where the one or more subsets of enterprise value are a current operation and subsets of value selected from the group consisting of real option, market sentiment and combinations thereof, where each performance model uses value drivers by element of value alone or in combination as an input, and where a series of models further comprises a one or more predictive models and one or more causal models. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 249, Lyons discloses wherein one or more elements of value are selected from the group consisting of brands, customers, customer relationships, employees, employee relationships, intellectual capital, intellectual property, partners, processes, vendors, vendor relationships and combinations thereof. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 250, Lyons wherein storing a plurality of transaction data further comprises storing data in an application database that makes the data accessible and available for extraction and analysis so as to provide a coherent view of the event information for an enterprise. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 251, Lyons discloses wherein integrating, converting and storing a plurality of transaction data further comprises using metadata mapping to integrate and convert said transaction data in accordance with a common schema defined with a metadata standard that defines a common data dictionary that includes common attributes selected from the group consisting of elements of value, components of value, currencies, units of measure, time periods, dates and combinations thereof. (see columns 5-11

Art Unit: 3692

column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 252, Lyons discloses wherein analyzing the information related to the plurality of events further comprises initializing and evolving a series of predictive models for each of one or more aspects of enterprise financial performance where the one or more aspects of enterprise financial performance are selected from the group consisting of revenue, expense, capital change (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

cash flow, future value, market value, raw material expense, manufacturing expense, service delivery expense, sales expense, support expense, other expense, change in cash, change in non-cash financial assets, current operation value, real option value, market sentiment value and combinations thereof. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 253, Lyons discloses wherein integrating, converting and storing a plurality of transaction data further comprises using metadata mapping to integrate, convert and store data from a plurality of enterprise systems in accordance with a schema defined by a metadata standard where the metadata standard is selected from the group consisting of xml, corba and metadata coalition standard. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 254, Lyons discloses wherein the elements of value are selected from the group consisting of alliances, brands, channels, customers, customer relationships, employees, employee relationships, information, intellectual property, partnerships, processes, vendors, vendor relationships and combinations thereof. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

Claim Rejections - 35 USC § 103

Art Unit: 3692

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 189-193, 195-200, 221-230, and 240-247, are rejected under 35 U.S.C. 103(a) as being unpatentable over Lyons et al (Hereinafter Lyons U.S. Patent 4, 989, 141) in view of Chennault US Patent 5, 930, 774.

As per claim 189, Lyons discloses a computer readable medium, tangibly embodying a program of instructions executable by a machine to perform the method steps in a management method, comprising:

obtaining a plurality of data related to a value of a business enterprise in a format suitable for processing(see column 14 lines 33-47 and see column 5 lines 42-67 and column 6 lines 1-34) the business enterprise having a plurality of elements of value contributing to a market value of the business enterprise; and

enterprise market value contributed by each of the elements of value by using at least some of the data to analyze enterprise financial performance with a series of models and where a plurality of elements of value are selected from the group consisting of alliances, brands, channels, customers, customer relationships, employees, employee relationships, information, intellectual property, partnerships, processes, vendors, vendor relationships and combinations thereof and a market sentiment. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

Lyons fail to explicitly teach identifying a percentage where the percentage of enterprise market value contributed by each element of value further comprise an separate element of value contribution to a current operation category of value, and one or more real options.

However Chennault discloses third, as shown in a step the Overlap Compiler: (a) selects the first two mutual funds in the new data base; (b) utilizes proprietary calculations to calculate from the data on the Morningstar Ondisc report each selected

Art Unit: 3692

mutual fund's Sector Percent (the percent which the market value of all securities issued by companies which do business primarily in a designated sector of the economy held by each selected mutual fund bears to the total market value of that mutual fund's portfolio) for each sector of the economy, to compare the Sector Percents for each such sector, and to accumulate and retain in the new data base the smaller percent for each sector of the economy from each of those comparisons as that sector's "Sector Overlap" percent of those two mutual funds; and (c) repeats steps (a) and (b) until a Sector Percent for each sector of the economy is created for all combinations of two mutual funds in the new data base. The term "sector of the economy" refers to the securities held by the mutual fund which are commonly classified as issued by companies which do business primarily in one sector of the economy. For example, companies are now commonly classified as doing business primarily in one of the following "sectors" of the economy: utilities, energy, financial, cyclicals, consumer durables, consumer staples, services, retail, health, technology, and other. The Morningstar Ondisc report assigns a sector of the economy to each security in each mutual fund's portfolio, and the Overlap Compiler adds the Security Percent for all securities assigned a specific sector of the economy to determine the Sector Percent for that sector; however, if the Overlap Compiler accesses some other source of portfolio information which does not include Security Percents the Overlap Compiler can be readily expanded to calculate each Sector Percent by adding the market values of all securities assigned to a specific sector of the economy and dividing that total by the portfolio's total market values.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Lyons to identifying a percentage where the percentage of enterprise market value contributed by each element of value further comprise an separate element of value contribution to a current operation category of value, and one or more real options taught by Chennault in order to evaluate and compare two or more investment portfolios each including securities to determine the extent of diversity or lack of diversity between the investment portfolios.

As per claim 190, Lyons discloses wherein identifying a percentage of an enterprise market value contributed by each of a plurality of elements of value further

comprises determining a discount rate for a real option valuation as a function of an element of value profile of the enterprise and the real option. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 191, Lyons discloses wherein identifying a percentage of an enterprise market value contributed by each of a plurality of elements of value further comprises using output from a predictive model that has been selected by a tournament to determine a percentage of a component of value level contributed by an element of value over a sequential period of time where the components of value are selected from the group consisting of revenue, expense, capital change and combinations thereof, and where predictive models are selected from the group consisting of neural networks; regression models, generalized autoregressive conditional heteroskedasticity, generalized additive models; multivariate adaptive regression splines, rough-set analysis; Bayes models, support vector method, multivalent models and combinations thereof. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 192, Lyons discloses wherein identifying a percentage of an enterprise market value contributed by each of a plurality of elements of value further comprises creating a summary of an element of value impact on enterprise financial performance for each element of value in an automated fashion by using a series of predictive models to learn from the data. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 193, Lyons discloses wherein identifying a percentage of an enterprise market value contributed by each of a plurality of elements of value further comprises creating a summary of an element of value impact on enterprise financial performance for each element of value and using said impact summaries to create a causal predictive model for each of one or more aspects of enterprise financial performance (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5) where the aspects of financial

Art Unit: 3692

performance are selected from the group consisting of revenue, expense, capital change, cash flow, future value, value, raw material expense, manufacturing expense, service delivery expense, sales expense, support expense, other expense, change in cash, change in non-cash financial assets, current operation value, real option value, market sentiment value and combinations thereof. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 195, Lyons discloses wherein obtaining a plurality of data related to a value of a business enterprise in a format suitable for processing further comprises using metadata mapping to integrate data from a plurality of enterprise systems in accordance with a schema defined by a metadata standard where the metadata standard is selected from the group consisting of xml, corba and metadata coalition standard. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 196, Lyons discloses wherein the method further comprises: calculating a market value contribution for a plurality of elements of value using an identified percentage contribution for each element of value; and

displaying the market value contributions for each of a plurality of element of value using a paper document or an electronic display in a balance sheet format that includes a value for each element of value together with a value for each of a plurality of tangible assets. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 197, Lyons discloses wherein a plurality of tangible assets are selected from the group consisting of accounts receivable, cash, inventory, marketable securities, prepaid expenses, production equipment and combinations thereof. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 198, Lyons discloses wherein the method further comprises: tracking a change in a market value contribution for each element of value over time; and display a report showing the changes in market value contribution by element of

Art Unit: 3692

value over time using a paper document or an electronic display. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 199, Lyons discloses wherein a report showing a change in market value contribution by element of value over time further comprises a value creation statement or an income statement. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5)

where the components of value are selected from the group consisting of revenue, expense, capital change and combinations thereof; and

where predictive models are selected from the group consisting of neural networks; regression models, generalized autoregressive conditional heteroskedasticity, generalized additive models; multivariate adaptive regression splines, rough-set analysis; Bayes models, support vector method, multivalent models and combinations thereof. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5)

As per claim 200, Lyons discloses wherein a series of models further comprises a plurality of network models, a plurality of causal models and optionally one or more data envelopment analysis models. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5)

As per claim 221, Lyons discloses an enterprise system, comprising a computer with a processor having circuitry to execute instructions; a storage device available to said processor with sequences of instructions stored therein, which when executed cause the processor to: obtain a plurality of data related to a value of a business enterprise in a format suitable for processing, the business enterprise having a plurality of elements of value contributing to a market value of the business enterprise (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5)

Art Unit: 3692

and enterprise market value contributed by each of the elements of value by using at least some of the data to analyze enterprise financial performance with a series of models where the percentage of enterprise market value contributed by each element of value further comprise a separate element of value contribution to: a current operation category of value, one or more real options, and optionally a market sentiment, and where a plurality of elements of value are selected from the group consisting of alliances, brands, channels, customers, customer relationships, employees, employee relationships, information, intellectual property, partnerships, processes, vendors, vendor relationships and combinations thereof. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

Lyons fail to explicitly teach identify a percentage.

However Chennault discloses third, as shown in a step the Overlap Compiler: (a) selects the first two mutual funds in the new data base; (b) utilizes proprietary calculations to calculate from the data on the Morningstar Ondisc report each selected mutual fund's Sector Percent (the percent which the market value of all securities issued by companies which do business primarily in a designated sector of the economy held by each selected mutual fund bears to the total market value of that mutual fund's portfolio) for each sector of the economy, to compare the Sector Percents for each such sector, and to accumulate and retain in the new data base the smaller percent for each sector of the economy from each of those comparisons as that sector's "Sector Overlap" percent of those two mutual funds; and (c) repeats steps (a) and (b) until a Sector Percent for each sector of the economy is created for all combinations of two mutual funds in the new data base. The term "sector of the economy" refers to the securities held by the mutual fund which are commonly classified as issued by companies which do business primarily in one sector of the economy. For example, companies are now commonly classified as doing business primarily in one of the following "sectors" of the economy: utilities, energy, financial, cyclicals, consumer durables, consumer staples, services, retail, health, technology, and other. The Morningstar Ondisc report assigns a sector of the economy to each security in each mutual fund's portfolio, and the Overlap

Compiler adds the Security Percent for all securities assigned a specific sector of the economy to determine the Sector Percent for that sector; however, if the Overlap Compiler accesses some other source of portfolio information which does not include Security Percents the Overlap Compiler can be readily expanded to calculate each Sector Percent by adding the market values of all securities assigned to a specific sector of the economy and dividing that total by the portfolio's total market values.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Lyons to identify a percentage taught by Chennault in order to evaluate and compare two or more investment portfolios each including securities to determine the extent of diversity or lack of diversity between the investment portfolios.

As per claim 222, Lyons discloses wherein identifying a percentage of an enterprise market value contributed by each of a plurality of elements of value further comprises determining a discount rate for a real option valuation as a function of an element of value profile of the enterprise and the real option. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 223, Lyons discloses wherein identifying a percentage of an enterprise market value contributed by each of a plurality of elements of value further comprises using output from a predictive model that has been selected by a tournament to determine a percentage of a component of value level contributed by an element of value over a sequential period of time where the components of value are selected from the group consisting of revenue, expense, capital change and combinations thereof (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5) and where predictive models are selected from the group consisting of neural networks; regression models, generalized autoregressive conditional heteroskedasticity, generalized additive models; multivariate adaptive regression splines, rough-set analysis; Bayes models, support vector method, multivalent models and combinations thereof. (see columns 5-11 column 7 line 1 to

Art Unit: 3692

column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 224, Lyons discloses wherein identifying a percentage of an enterprise market value contributed by each of a plurality of elements of value further comprises creating a summary of an element of value impact on enterprise financial performance for each element of value in an automated fashion by learning from the data. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 225, Lyons discloses wherein identifying a percentage of an enterprise market value contributed by each of a plurality of elements of value further comprises creating a summary of an element of value impact on enterprise financial performance for each element of value and using said impact summaries as an input to a plurality of predictive models for each of one or more aspects of enterprise financial performance where the aspects of financial performance are selected from the group consisting of revenue, expense, capital change, cash flow, future value, value, raw material expense, manufacturing expense, service delivery expense, sales expense, support expense, other expense, change in cash, change in non-cash financial assets, current operation value, real option value, market sentiment value and combinations thereof. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 226, Lyons wherein obtaining a plurality of data related to a value of a business enterprise in a format suitable for processing further comprises using metadata mapping to integrate data from a plurality of enterprise systems in accordance with a schema defined by a metadata standard where the metadata standard is selected from the group consisting of xml, corba and metadata coalition standard. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 227, Lyons discloses wherein additional instructions cause the processors to:

calculate a market value contribution for a plurality of elements of value using an identified percentage contribution for each element of value; and
display the market value contributions for each of a plurality of element of value using a paper document or an electronic display. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 228, Lyons discloses wherein a display of market value contributions for each element of value further comprises displaying a balance sheet that includes a value for each element of value together with a value for each of a plurality of tangible assets. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 229, Lyons discloses wherein a display of market value contributions for each element of value further comprises displaying a balance sheet that includes a value for each element of value together with a value for each of one or more tangible assets where the tangible assets are selected from the group consisting of accounts receivable, cash, inventory, marketable securities, prepaid expenses, production equipment and combinations thereof. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5)

As per claim 230, Lyons discloses wherein additional instructions cause the processors to:
track a change in a market value contribution for each element of value over time; and
display a report showing the changes in market value contribution by element of value over time using a paper document or an electronic display in a value creation statement or income statement format. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 240 Lyons discloses an enterprise method, comprising:
obtaining a plurality of data related to a value of a business enterprise in a format suitable for analysis, the business enterprise having a plurality of elements of value contributing to

Art Unit: 3692

a market value of the business enterprise (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5) and enterprise revenue and an enterprise market value contributed by each element of value by using at least some of the data to analyze enterprise financial performance with a series of models where the percentage of an enterprise market value contributed by each element of value further comprises a separate element of value contribution to: a current operation category of value, one or more real options, and optionally a market sentiment (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5) and where the elements of value are selected from the group consisting of alliances, brands, channels, customers, customer relationships, employees, employee relationships, information, intellectual property, partnerships, processes, vendors, vendor relationships and combinations thereof. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5)

Lyons fail to explicitly teach identify a percentage.

However Chennault discloses third, as shown in a step the Overlap Compiler: (a) selects the first two mutual funds in the new data base; (b) utilizes proprietary calculations to calculate from the data on the Morningstar Ondisc report each selected mutual fund's Sector Percent (the percent which the market value of all securities issued by companies which do business primarily in a designated sector of the economy held by each selected mutual fund bears to the total market value of that mutual fund's portfolio) for each sector of the economy, to compare the Sector Percents for each such sector, and to accumulate and retain in the new data base the smaller percent for each sector of the economy from each of those comparisons as that sector's "Sector Overlap" percent of those two mutual funds; and (c) repeats steps (a) and (b) until a Sector Percent for each sector of the economy is created for all combinations of two mutual funds in the new data base. The term "sector of the economy" refers to the securities held by the mutual fund which are commonly classified as issued by companies which do business primarily in one sector of the economy. For example, companies are now

Art Unit: 3692

commonly classified as doing business primarily in one of the following "sectors" of the economy: utilities, energy, financial, cyclicals, consumer durables, consumer staples, services, retail, health, technology, and other. The Morningstar Ondisc report assigns a sector of the economy to each security in each mutual fund's portfolio, and the Overlap Compiler adds the Security Percent for all securities assigned a specific sector of the economy to determine the Sector Percent for that sector; however, if the Overlap Compiler accesses some other source of portfolio information which does not include Security Percents the Overlap Compiler can be readily expanded to calculate each Sector Percent by adding the market values of all securities assigned to a specific sector of the economy and dividing that total by the portfolio's total market values.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Lyons to identify a percentage taught by Chennault in order to evaluate and compare two or more investment portfolios each including securities to determine the extent of diversity or lack of diversity between the investment portfolios.

As per claim 241 Lyons discloses wherein identifying a percentage of an enterprise market value contributed by each element of value from a plurality of elements of value further comprises:

determining a discount rate for use in a real option valuation as a function of an element of value profile of an enterprise and the real option (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5) calculating a value for a real option using the calculated discount rate and a cost of capital for the enterprise; and identifying a value contribution to a real option value by element of value by comparing the two valuations. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 242 Lyons discloses wherein identifying a percentage of an enterprise market value contributed by each element of value from a plurality of elements of value further comprises using output from a predictive model to determine a percentage of a

Art Unit: 3692

component of value level contributed by each element of value over a sequential period of time. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5)

As per claim 243 Lyons discloses wherein identifying a percentage of enterprise market value contributed by each element of value from a plurality of elements of value further comprises creating a summary of element of value impact on enterprise financial performance for each element of value. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5)

As per claim 244 Lyons discloses wherein identifying a percentage of an enterprise market value contributed by each element of value from a plurality of elements of value further comprises creating a summary of element of value impact on enterprise financial performance (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5) for each element of value and using said impact summaries as an input to a network model for an aspect of enterprise financial performance selected from the group consisting of revenue, expense, capital change, cash flow, future value, value, raw material expense, manufacturing expense, service delivery expense, sales expense, support expense, other expense, change in cash, change in non-cash financial assets, current operation value, market sentiment value and combinations thereof. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 245 Lyons discloses wherein obtaining a plurality of data related to a value of a business enterprise in a format suitable for analysis further comprises integrating and converting data from a plurality of enterprise systems in accordance with a schema defined by a metadata standard where the metadata standard is selected from the group consisting of xml, corba and metadata coalition standard. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 246 Lyons discloses wherein the method further comprises:

Art Unit: 3692

calculating a market value contribution for each element of value from a plurality of elements of value using an identified percentage contribution for each element of value to one or more subsets of an enterprise market value; and
creating a balance sheet that includes a value for each element of value. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

As per claim 247 Lyons discloses wherein the method further comprises tracking a change in market value contribution for each element of value from a plurality of elements of value over time and creating a report showing the changes in market value contribution by element of value over time in a value creation statement or income statement format. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

Conclusion

Response to Arguments

9 Response to arguments filed 5/26/2007 has been considered but they are moot in view of new grounds of rejections.

10. In response to Applicant's arguments that Lyons and Chennault fail to teach or suggest "integrating, converting and storing enterprise related transaction data in accordance with a common xml schema(see abstract and where a set of integration and conversion rules are established using a metadata and conversion rules window and saved in a metadata mapping table where at least some data are pre-specified for integration and conversion, and where the integrated data is stored in a central repository and each of one or more aspects of enterprise financial performance using a series of models to analyze at least a portion of said data where the elements of value are selected from the group consisting of alliances, brands, channels, customers, customer relationships, employees, employee relationships, intellectual property, partnerships, processes, vendors, vendor relationships and combinations thereof, and where the series of models are predictive models, causal models and optionally data envelopement analysis and wherein a plurality of enterprise related data sources are selected from the group consisting of advanced financial systems, basic financial systems, alliance management

systems, brand management systems, customer relationship management systems, channel management systems, estimating systems, intellectual property management systems, process management systems, supply chain management systems, vendor management systems, operation management systems, enterprise resource planning systems (ERP), material requirement planning systems (MRP), quality control systems, sales management systems, human resource systems, accounts receivable systems, accounts payable systems, capital asset systems, inventory systems, invoicing systems, payroll systems, purchasing systems, web site systems, the Internet, external databases, user input and combinations thereof and analyzing the information related to the plurality of events further comprises initializing and evolving a series of predictive models for each of one or more aspects of enterprise financial performance where the one or more aspects of enterprise financial performance are selected from the group consisting of revenue, expense, capital change and cash flow, future value, market value, raw material expense, manufacturing expense, service delivery expense, sales expense, support expense, other expense, change in cash, change in non-cash financial assets, current operation value, real option value, market sentiment value and combinations thereof" the examiner disagrees with Applicant's because these limitations were addressed as stated.

Lyons discloses integrating, converting and storing enterprise related transaction data in accordance with a common xml schema(see abstract and (see column 5-11) to support organization processing (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5) where a set of integration and conversion rules are established using a metadata and conversion rules window and saved in a metadata mapping table (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5) where at least some data are pre-specified for integration and conversion, and where the integrated data is stored in a central repository(see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5) and integrating data from a plurality of enterprise related data sources, and calculating a net relative contribution for each of one or more elements of value to each of

Art Unit: 3692

one or more aspects of enterprise financial performance using a series of models to analyze at least a portion of said data where the elements of value are selected from the group consisting of alliances, brands, channels, customers, customer relationships, employees, employee relationships, intellectual property, partnerships, processes, vendors, vendor relationships and combinations thereof, and where the series of models are predictive models, causal models and optionally data envelopement analysis models. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5) and creating one or more tangible measures of element of value impact, using a series of models to select tangible indicators of element of value impact, identifying a level of interaction between elements of value(see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5) identifying a concrete summary measure for each element of value as a function of the level of interaction between elements of value, initializing and training predictive models that use the concrete summary measures of element impact as inputs for modeling one or more aspects of enterprise financial performance a current operation subset of value by a component of value and a market sentiment subset of value(see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5) and using the weights from a best fit predictive model to identify a net relative contribution by element of value to each of the one or more aspects of enterprise financial performance a current operation subset of value by a component of value and a market sentiment subset of value. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5) and using the performance models to complete a useful task selected from the group consisting of: forecasting an expected change in one or more subsets of an enterprise market value after a user specified change, calculating a value contribution of each element of value to each subset of enterprise value (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5) creating a list of element value driver changes that will optimize the value of one or more subsets of

Art Unit: 3692

enterprise value, creating a plurality of management reports and combinations thereof where the one or more subsets of enterprise value are a current operation and subsets of value selected from the group consisting of real option, market sentiment and combinations thereof, where each performance model uses value drivers by element of value alone or in combination as an input, and where a series of models further comprises a one or more predictive models and one or more causal models. (see columns 5-11 column 7 line 1 to column 9 line 17 and column 9 lines 8-12 and column 10 lines 1-15 and column 21-22 and column 5-6 and column 4-5).

Chennault discloses third, as shown in a step the Overlap Compiler: (a) selects the first two mutual funds in the new data base; (b) utilizes proprietary calculations to calculate from the data on the Morningstar Ondisc report each selected mutual fund's Sector Percent (the percent which the market value of all securities issued by companies which do business primarily in a designated sector of the economy held by each selected mutual fund bears to the total market value of that mutual fund's portfolio) for each sector of the economy, to compare the Sector Percents for each such sector, and to accumulate and retain in the new data base the smaller percent for each sector of the economy from each of those comparisons as that sector's "Sector Overlap" percent of those two mutual funds; and (c) repeats steps (a) and (b) until a Sector Percent for each sector of the economy is created for all combinations of two mutual funds in the new data base. The term "sector of the economy" refers to the securities held by the mutual fund which are commonly classified as issued by companies which do business primarily in one sector of the economy. For example, companies are now commonly classified as doing business primarily in one of the following "sectors" of the economy: utilities, energy, financial, cyclicals, consumer durables, consumer staples, services, retail, health, technology, and other. The Morningstar Ondisc report assigns a sector of the economy to each security in each mutual fund's portfolio, and the Overlap Compiler adds the Security Percent for all securities assigned a specific sector of the economy to determine the Sector Percent for that sector; however, if the Overlap Compiler accesses some other source of portfolio information which does not include Security Percents the Overlap Compiler can be readily expanded to calculate each Sector Percent by adding

Art Unit: 3692

the market values of all securities assigned to a specific sector of the economy and dividing that total by the portfolio's total market values.

Therefore it is clear that Applicant's claimed limitations were addressed within the teachings of Lyons and Chennault.

Further Applicants claimed limitations do not produce a useful, positive, concrete and tangible result, all Applicant, claimed limitations does is collects and store data.

10. With respect to Applicant's second argument, Examiner respectfully submits that obviousness is not determined on the basis of the evidence as a whole and the relative persuasiveness of the arguments. See *In re Oetiker*, 977 F. 2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992); *In re Hedges*, 783 F.2d 1038, 1039, 228 USPQ* 685, 686 (Fed. Cir.1992); *In re Piaseckii*, 745 F.2d 1468, 1472, 223 USPQ 785, 788 (Fed. Cir.1984); *In re Rinehart*, 531 F.2d 1048, 1052, 189 USPQ 143, 147 (CCPA 1976). Using this standard, the Examiner respectfully submits that he has at least satisfied the burden of presenting a prima facie case of obviousness, since he has presented evidence of corresponding claim elements in the prior art and has expressly articulated the combinations and the motivations for combinations that fairly suggest Applicant's claimed invention. Note, for example, in the instant case, the Examiner respectfully notes that each and every motivation to combine the applied references are accompanied by select portions of the respective reference(s) which specially support that particular motivation and /or an explanation based on the logic and scientific reasoning of one ordinarily skilled in the art at the time of the invention that support a holding of obviousness. As such, it is not seen that the Examiner's combination of references is unsupported by the applied prior art of record. Rather, it is respectfully submitted that explanation based on the logic and scientific reasoning of one of ordinarily skilled in the art at the time of the invention that support a holding of obviousness has been adequately provided by the motivations and reasons indicated by the Examiner, *Ex pane Levengood*, 28 USPQ2d 1300(Bd. Pat. App &.,4/293 Therefore the combination of reference is proper and the rejection is maintained.

Art Unit: 3692


11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B Graham whose telephone number is 571-272-6795. The examiner can normally be reached on 7am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on 703-308-0505. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for regular communications and 703-305-0040 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

CG

August 4, 2007


FRANTZY POINVIL
PRIMARY EXAMINER
Art 3692